



## Missouri Department of Natural Resources

1           BEFORE THE GOVERNOR'S ADVISORY COMMITTEE  
2                       ON CHIP MILLS  
3                       STATE OF MISSOURI

4  
5                       MEETING AND PUBLIC HEARING

6  
7                       May 17, 2000

8                       Department of Natural Resources  
9                               DNR Conference Center  
10                               1738 Elm Street  
11                               Jefferson City, Missouri

12   BEFORE:   Dr. Jerry Wade, Facilitator  
13               Stephen Mahfood, Committee Co-chairperson  
14               Jerry Conley, Committee Co-chairperson  
15               Sarah Tyree for John Saunders, Committee Mem.  
16               Mark S. Garnett, Committee Member  
17               Jon D. Smith, Committee Member  
18               David A. Day, Committee Member  
19               Senator Doyle Childers, Committee Member  
20               David E. Bedan, Committee Member  
21               Rep. Jerry McBride, Committee Member  
22               Jay R. Law, Committee Member

23   REPORTED BY:

24                       KRISTAL R. MURPHY, CSR, RPR, CCR  
25                       ASSOCIATED COURT REPORTERS, INC.  
26                               714 West High Street  
27                               Post Office Box 1308  
28                       JEFFERSON CITY, MISSOURI 65102  
29                               (573) 636-7551

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

FOR THE STATE OF MISSOURI:

WILLIAM J. BRYAN  
Assistant Attorney General  
MISSOURI ATTORNEY GENERAL'S OFFICE  
Broadway State Office Building  
Jefferson City, Missouri 65101

I N D E X

Call to Order	3
Review transcripts of 4-9-00 and 4-10-00	
Facilitation and Discussion of Revised Draft Final Report	5
Discussion of Future Committee Activities Schedule	105
Public Comment	127
Mr. Ed Hornick	127
Mr. George Baker	137
Mr. Daniel W. McKeel, Jr., M.D.	143

1 P R O C E E D I N G S

2 MR. MAHFOOD: Let's go head and get started.

3 In case you don't know where you are, this  
4 is the Advisory Committee on Chip Mills. We're here  
5 for the -- is it the three-hundredth meeting?

6 MR. DAY: 322.

7 MR. MAHFOOD: 322. Thanks, David.

8 I welcome everybody today.

9 Calling to order, I recognize it's a half an  
10 hour late, and some of us kind of float in, trying to  
11 deal with some issues. And we'd like to get started  
12 and make this meeting as efficient and quick as we  
13 possibly can. Talking to the members, I think we're  
14 in pretty good shape, and we're going to move through  
15 the agenda quickly.

16 The first thing I would like to do is ask if  
17 anybody is willing to go ahead and make a motion to  
18 approve the transcripts of the 4-9 and 4-10 meetings?

19 MR. BEDAN: So moved.

20 MR. LAW: Second.

21 MR. MAHFOOD: Seconded. Is there any  
22 further discussion on those transcripts?

23 (No response.)

24 MR. MAHFOOD: Seeing none, all of those in  
25 favor of approving the transcripts as they were

1 received, please signify by saying aye.

2 UNANIMOUS: Aye.

3 MR. MAHFOOD: Opposed, same sign.

4 (No response.)

5 MR. MAHFOOD: Okay. The transcripts are

6 approved.

7 The next bit of business is something that,

8 looking down at my notes here -- and you guys have to

9 bear with me today -- I wanted to do something at this

10 point and that was recognize some people that are here

11 today attending our meeting, and we have some Clean

12 Water Commissioners that are here that are attending

13 the -- our Advisory Committee meeting, and I'd like to

14 recognize them. If I call out your name, just stand

15 up so everybody can see -- see you. Kristin Perry. I

16 don't see -- Tom is not here yet. Art Hegi, Janice

17 Schnake Green and Davis Minton.

18 Thank you. Glad to see you-all here today.

19 I think we're ready to move into a

20 discussion facilitation of the Revised Draft Final

21 Report which would involve Jerry Wade.

22 I'd ask my Co-Chair, Jerry Conley, do you

23 have anything else you wanted to add or anything at

24 this point?

25 MR. CONLEY: No.

1                   MR. MAHFOOD: Jerry, why don't you come on  
2 and come forward?  
3                   Do you want us to switch out of here?  
4                   DR. WADE: Would you, please?  
5                   MR. MAHFOOD: Okay.  
6                   (A DISCUSSION WAS HELD OFF THE RECORD.)  
7                   DR. WADE: I think we've reached a point --  
8 we're not quite to the point we've all wanted, which  
9 is the final meeting, but I think we've reached a  
10 point that we've all been hoping we could get to.  
11                   What we're here today to do is basically do  
12 any final wordsmithing and editing, not to make any  
13 fundamental changes in decisions that were made at the  
14 last meeting. So if there are -- if there is  
15 wordsmithing that people suggest that in my opinion  
16 changes the fundamental meaning, then I will highlight  
17 that and at that point I'll call upon the Chairs to  
18 make a decision as to -- as to how we address that  
19 suggestion.  
20                   But my understanding is that this is -- this  
21 is strictly to do a final wordsmithing and detailing  
22 so that it is your document as you so want it before  
23 it goes to the final public review.  
24                   And I -- I heard comments from several of  
25 you that the document seems to be in -- in very good

1 shape, and so I am anticipating what I hope will be to  
2 the delight of all of us to move this as rapidly as  
3 you will allow me to do it. And so I will be going  
4 through and calling -- when we get into it, I will  
5 call major sections with the page numbers and ask if  
6 there is any editing or wordsmithing that you want.  
7 That will be done so that it's visible on the screen.  
8 And when that's done, we will then move on.

9           For your information you will notice that in  
10 the -- in the draft that you have there is quite a bit  
11 of -- there is some material that is underlined. That  
12 underlining will be taken out after this meeting.  
13 That is just to highlight for you material in  
14 Sections 1 and 2 that is new and that has been added  
15 since the last -- since the last meeting based upon  
16 the -- based upon the commitments that Bernie made in  
17 terms of material.

18           Bernie, could you move to your left a little  
19 bit so that you don't . . .

20           Before we actually get into it, I think  
21 Bernie has a couple -- a comment he wants to make at  
22 this point.

23           DR. BERNIE LEWIS: Okay. I wanted to draw  
24 your attention to the overall contents page of the  
25 document after the executive orders and point out a

1 couple of things on this. You'll notice there are two  
2 items that are in brackets. One is the Executive  
3 Summary, and those two items you do not have with you  
4 in your document.

5           The Executive Summary, of course, would be  
6 the last thing to be written. I would expect, based  
7 on the meeting today and any additional input from the  
8 public comment period, to have a draft Executive  
9 Summary for you for the July 31st, but that we  
10 generally hold to last.

11           Also the glossary, there will be a glossary.  
12 I will be finishing that up over the next week or two.  
13 We've got all of the timber-related terms, thanks to  
14 Forest Inventory definitions, but there are some  
15 non-timber other terms that still need to be included  
16 in there.

17           And, finally, I would like, with your  
18 permission, to add an additional Appendix D of  
19 acknowledgments. I think the Committee, I'm sure,  
20 probably, would like to acknowledge, first of all,  
21 those who submitted reports to the -- that the  
22 Committee requested, such as Steve Shifley and John  
23 Dwyer, also the presenters, those who contributed to  
24 Part II in terms of input or, in some cases, writing  
25 certain parts and other assistance as well. So those

1 items would go with this overall content.

2 DR. WADE: Okay. I wonder, Jerry, might you  
3 move down and take that chair out and everybody move  
4 down one, because I think people on this side -- there  
5 are some people that are not going to be able to see  
6 the screen, and this will sort of give people a little  
7 breathing space on that side.

8 Jay, you can see the screen okay, can't you?

9 MR. LAW: Oh, yes.

10 DR. WADE: Okay. So we're okay on this  
11 side.

12 Okay. I'm going to begin moving through it.

13 Do you think you-all have this move  
14 organized yet?

15 MR. DAY: We've got a committee meeting  
16 going here.

17 MR. GARNETT: Can you facilitate for us?

18 MR. DAY: We have to have an executive  
19 session first.

20 DR. WADE: I see. And if you might move  
21 around just a little bit, Bernie, I think everybody  
22 now can see the screen okay.

23 If we could have the lights.

24 Okay. Are there any comments or suggestions  
25 on Section I, which is pages i through iv?



1                   MR. LAW: Oh, let's see. Iv-- ii -- that  
2 sounds like a medical term, doesn't it?

3                   DR. WADE: Okay. Iv -- on Page iv.

4                   MR. LAW: Two, on the first full paragraph.

5                   DR. WADE: Okay.

6                   MR. LAW: See, the last sentence there,  
7 "These latter concerns are enhanced by the fact that  
8 at present less than one-tenth of all private  
9 forestland owners in the state" --

10                  DR. WADE: I'm not with where you are, Jay.

11                  MR. LAW: That last paragraph.

12                  DR. WADE: Okay.

13                  MR. LAW: -- "in the state have been seeking  
14 professional advice or assistance when" -- and then  
15 drop "whenever" -- "when harvesting timber on their  
16 lands." They haven't been seeking. It's the  
17 landowners that aren't seeking. It's not that  
18 somebody isn't wanting to make that available. It's  
19 just that they don't seek it. "Have been seeking" in  
20 place of "are receiving any."

21                  DR. WADE: Okay. Okay. So that that  
22 sentence beginning, "These latter concerns" should  
23 read, "These latter concerns are enhanced by the fact  
24 that at present less than one-tenth of all private  
25 landowners are seeking any professional advice or

1 assistance whatsoever when harvesting timber from  
2 their land."

3 MR. LAW: Drop the "whatsoever."

4 DR. WADE: Okay.

5 MR. LAW: I said "have been seeking."

6 DR. WADE: Okay. So "in the state are  
7 receiving" is replaced with "have been" --

8 MR. LAW: Uh-huh.

9 DR. WADE: -- "seeking."

10 MR. LAW: "Professional advice or assistance  
11 in harvesting" --

12 DR. WADE: And "whatsoever" is eliminated.  
13 Are there any -- are there any disagreements  
14 with that?

15 (No response.)

16 DR. WADE: The change is made.  
17 While she is finalizing those, are there any  
18 other suggestions in this section?

19 Yes, Bernie.

20 DR. BERNIE LEWIS: I have one comment that I  
21 noticed that I think would be a helpful addition.

22 On the process statement, the paragraph that  
23 talks about the initial Governor's Executive Order,  
24 I'd have a suggestion --

25 DR. WADE: What page is this?

1 DR. BERNIE LEWIS: Yes, it would be at the  
2 end on Page iii at the end.

3 It might be good to note that there were two  
4 additional Executive Orders, in other words, a  
5 complete description of the process.

6 I have a suggested paragraph that would say  
7 something like, "On November 24th, 1999, the Governor  
8 issued Executive Order 97-11 extending the expiration  
9 date for the advisory committee" --

10 SENATOR CHILDERS: Would that be detailed up  
11 here in the --

12 DR. BERNIE LEWIS: That would be just above  
13 this at the end of the previous section.

14 MS. ELLEN DAVENPORT: A new paragraph, is  
15 that what you're saying?

16 DR. BERNIE LEWIS: Yes.

17 Again, "On November 24th, 1999, the Governor  
18 issued Executive Order 97-11 extending the expiration  
19 date for the Advisory Committee on chip mills to  
20 February 1st, 2000. This would ensure adequate time  
21 for the public review of the Committee's Draft Final  
22 Report. On January 20th, 2000, the Governor issued  
23 Executive Order 0001, which extended the life of the  
24 Advisory Committee for however long it took to  
25 complete its work."

1 DR. WADE: Okay. Are there any  
2 disagreements with -- with that addition?  
3 (No response.)  
4 MR. LAW: Bernie, up there on the front we  
5 already have -- you know, we have a couple -- the  
6 wording -- I guess we have both of those -- or  
7 three -- actually, there were three Executive Orders,  
8 weren't there?  
9 DR. BERNIE LEWIS: Yes, right.  
10 MR. LAW: Are all three of those up in the  
11 front here?  
12 MR. MAHFOOD: Yes. Yes.  
13 DR. BERNIE LEWIS: Yes, they are.  
14 MR. MAHFOOD: They are all in there.  
15 MR. LAW: Is there any need to reference  
16 that they are there? You're just trying -- telling  
17 the history in layman's language?  
18 DR. BERNIE LEWIS: Right.  
19 DR. WADE: Okay. While that's being put in,  
20 are there any other suggestions on Section I, anything  
21 up through Page iv?  
22 MR. BEDAN: On the bottom of Page iii, there  
23 is a brief mention of field trips.  
24 DR. WADE: Yes.  
25 MR. BEDAN: And it's very brief. I felt

1 that the field trip was a big part of our learning  
2 experience. And one of the comments I made on the  
3 earlier draft is there should be more information on  
4 there about what we actually learned those two days.  
5 I think there is a lot of other stuff in here that's  
6 kind of minor compared to what we learned on the field  
7 trip, I think. So is that something we could do?

8 DR. WADE: Bernie?

9 DR. BERNIE LEWIS: I incorporated that  
10 comment and roughed out a couple of paragraphs that  
11 would describe the field trip to run by the Committee  
12 in response to your -- to your suggestion. I didn't  
13 incorporate it because I thought you-all should take a  
14 look at it, but you can, in response to Dave's --

15 DR. WADE: Let me suggest a procedure on  
16 this. We'll pass it out, let everybody take a look at  
17 it, and then we will make a decision as a group to add  
18 it.

19 DR. BERNIE LEWIS: It starts after the  
20 stars. Now --

21 DR. WADE: And if the group decides to add  
22 it, we won't actually build it in right now, but we  
23 will put it in after, so take a look at it.

24 DR. BERNIE LEWIS: Basically, it's five  
25 paragraphs, or six paragraphs, or so, one that

1 discusses the Westvaco -- briefly the Westvaco stop,  
2 the Nelson tract, the Funk's Branch.

3 DR. WADE: Bernie, why don't you give people  
4 a chance to read it?

5 DR. BERNIE LEWIS: okay.

6 MR. LAW: On the second page there did you  
7 mean to say that they also meant to take out 12014  
8 trees there or was that 12 to 14 inches?

9 DR. BERNIE LEWIS: By 12 -- second page?

10 MR. LAW: First full paragraph.

11 DR. WADE: First full paragraph.

12 DR. BERNIE LEWIS: Should be 12 to 14  
13 inches.

14 DR. WADE: Twelve- to 14-inch trees.

15 MR. LAW: That's kind of like 12,000.

16 MR. DAY: Leave it to Jay to catch an error  
17 like that.

18 MR. LAW: That jumps right out, 12,014  
19 trees. Twelve to 14.

20 MR. BEDAN: That would be a big tree.

21 MR. LAW: Yes, that would be a big tree.

22 If we agree to this, could it just be --  
23 could we just have a little section that says "Field  
24 Trip," or something in there?

25 DR. BERNIE LEWIS: Put a subheading?

1                   MR. LAW:   Yeah.

2                   MS. ELLEN DAVENPORT:   And where do you want

3   this on here?

4                   DR. WADE:   I'll work with you afterwards on

5   where this goes.

6                   MR. LAW:   I have a little question on the

7   first page when we get down to the last paragraph.

8   What we're talking about, is that Funk Branch?

9                   DR. BERNIE LEWIS:   Yes.

10                  MR. LAW:   I don't recall that we ever got

11   off the road there.   I wonder if we -- how we can say

12   this as a Committee, then, because we didn't see these

13   things.   We were told these things, but we didn't see

14   them, and I --

15                  MR. MAHFOOD:   Jay, where are you?

16                  MR. LAW:   The last paragraph on Page 1.

17                  Unless you want to say that we were told

18   this by somebody, I don't think it would belong in

19   here, because this implies that we were on that

20   landowner's land, which we were not.

21                  MR. BEDAN:   Well, we saw some of it.

22                  MR. LAW:   Well, we could see just a little

23   bit from the road.

24                  MR. BEDAN:   We could see the ruts, for

25   example.

1 DR. BERNIE LEWIS: Well, I based -- I based  
2 the details on a report by John Dwyer of the  
3 Department of Forestry, who walked over the tract.  
4 MR. DAY: And that's fine. If you would,  
5 just say what it's based on.  
6 MR. LAW: Just say, Based on a report by --  
7 MR. DAY: And that's fine, but just say  
8 that.  
9 I think Jay makes a good point. I don't  
10 think we want to make the perception that we were  
11 walking all over this guy's land.  
12 MR. LAW: And another thing is, I've had  
13 several Committee members come up to me and said, you  
14 know, that they weren't sure how much acreage was in  
15 that thing.  
16 MR. DAY: Right, yeah. I thought it was a  
17 lot smaller than this until the last meeting.  
18 MR. LAW: Yeah, because that's all we stood  
19 and saw.  
20 So I don't think we want to imply that we  
21 were out trespassing or we knew more than we really  
22 know.  
23 DR. WADE: Okay. Bernie will make  
24 those attributions -- build those attributions into  
25 the narrative.



1 Yes, Mark.

2 MR. GARNETT: If we're going to get this  
3 detailed, I think we should mention that we asked the  
4 DNR people if there was a problem with runoff, and  
5 they couldn't tell us, and go into a discussion of  
6 why, basically.

7 MR. MAHFOOD: I think we --

8 MR. GARNETT: I think that's important.

9 MR. MAHFOOD: I think we're going to wind up  
10 getting into -- if we get into too much detail -- I'm  
11 not sure that I got the same thing that you got out of  
12 it.

13 Did they have a comprehensive analysis of  
14 the property? No, but they did point out problem  
15 areas. And I think they were trying to hedge because  
16 they were doing their -- they didn't want to go out  
17 and stick their necks out too far with all of us  
18 standing there, but I think they saw some problems  
19 with what was going on. But is it part of the  
20 official record? No. I agree. I mean, it's, you  
21 know --

22 MR. GARNETT: Respectfully, their response  
23 to the Committee members should be part of the record.  
24 I'm not -- I'm not arguing. I'm just saying, we asked  
25 a point-blank question, and we need a point-blank

1 answer in here, which is, We don't know. I mean,  
2 that's the bottom line to it.

3 DR. WADE: Bernie?

4 DR. BERNIE LEWIS: Well, I had to rely on my  
5 notes from the field trip, and what I had written in  
6 the notes from the DNR individual was that, "The  
7 runoff problems here are a nightmare compared to" --  
8 and we had just been to the Nelson tract -- "compared  
9 to the last." He was comparing them. But it  
10 wasn't -- it was certainly a negative statement.

11 MR. MAHFOOD: I'm sorry. I don't --

12 MR. GARNETT: By who?

13 MR. MAHFOOD: One of our staff members.

14 DR. BERNIE LEWIS: DNR, yeah.

15 MR. DAY: I thought --

16 DR. WADE: David?

17 MR. DAY: -- and maybe I'm mistaken. I was  
18 under the -- I thought that whoever it was from DNR  
19 said that they couldn't document that the problems are  
20 because of that harvest. Maybe I'm mistaken.

21 MR. MAHFOOD: That's the -- that's from  
22 the -- you're absolutely right. That's what I was  
23 talking about. From a legal standpoint if you were  
24 going to court or going to do something -- that was  
25 exactly my point, and that was their point, that if

1 you would want them ever involved, if we ever wanted  
2 them to have some involvement in how things roll out,  
3 they would need to be there ahead of time.

4 But did that site -- was that site a  
5 problem, not attributing it, just looking at that  
6 site, and it was. One of them did say, "This site is  
7 a nightmare." But could they take action against  
8 somebody, no --

9 MR. DAY: Okay.

10 MR. MAHFOOD: -- because of the -- the  
11 process is not --

12 MR. DAY: I thought that's what I heard.

13 DR. WADE: Jay?

14 MR. LAW: Well, I agree with David. In  
15 fact, they said that they couldn't detect between what  
16 might have come out of that road --

17 MR. MAHFOOD: Right.

18 MR. LAW: -- going down the hill.

19 And the question I would have, have they  
20 indeed walked it? Now, I was told on the side by one  
21 of the people that was involved in the harvesting that  
22 there were water bars put out there on those trails  
23 and everything like that that we couldn't see. Now,  
24 you know, if somebody told me that -- you know, I  
25 heard that.

1                   But I did hear that they couldn't tell the  
2 difference -- or they couldn't make a determination --  
3 and I don't know. Did they actually go onto the  
4 tract? The DNR go on the tract?

5                   MR. MAHFOOD: Yeah, they did. They did.

6                   MR. LAW: They had permission from the  
7 landowner?

8                   MR. MAHFOOD: I don't know how it happened.  
9 They were on the tract.

10                  MR. LAW: There is one other thing I would  
11 like to have taken out, actually, and that is on  
12 the -- as we take that paragraph over the next page.  
13 This isn't "even aged management," I don't believe,  
14 because I don't think there was any management  
15 involved there. Is that right?

16                  MR. DAY: You're still talking on the Funk  
17 Branch?

18                  MR. LAW: Yeah, Funk Branch. I don't think  
19 there was any management involved.

20                  DR. WADE: As I have listened to the  
21 conversation, what I hear the Committee saying would  
22 be that that last -- I will put this out there, and  
23 somehow I think that if it's not what I hear from the  
24 Committee, they will tell me.

25                  That last sentence, I would -- what I hear

1 the Committee saying in that would be captured by the  
2 following wording of the last sentence in the last  
3 paragraph on the first page carrying over onto the  
4 second page.

5 It currently begins "In short." Let me try  
6 the following wording and see if this begins to be  
7 true to your experience and yet capture the concerns  
8 people have.

9 Take the "in short" out. "There was little  
10 evidence that best management practices had been  
11 employed, period.

12 MR. LAW: I don't know if you can say that.

13 SENATOR CHILDERS: Jerry, I would make a  
14 suggestion that we -- we could say, "In short," if you  
15 want to. It doesn't matter to me if it's there or  
16 not. There was little evidence that best management  
17 practices have been employed in this example. Just  
18 drop "of even-aged management," and say, "this  
19 example, and the resultant potential for future  
20 problems with the site, especially in terms of water  
21 runoff, is evident."

22 We're not saying even-aged management is  
23 what I -- the example wasn't necessarily a good  
24 example. And I don't know if that's the point that  
25 the others saw too there, but that's --

1 DR. WADE: Yes, Mark.

2 MR. GARNETT: The problem I have is that we  
3 don't know that. Okay? It's someone's own opinion.  
4 Now, we don't know whether the runoff from that site  
5 is going to put the landowner of a logging company  
6 in -- in violation of the Clean Water Act. We don't  
7 know that, folks. I mean, how can we say there is a  
8 potential for a problem if we don't know. That's my  
9 problem.

10 MR. BEDAN: Maybe what we should say instead  
11 of saying "it's evident," because that's a very, you  
12 know, explosive statement, say that it "seemed likely"  
13 there would be runoff problems. I mean, we know  
14 they're happening because I've seen many photographs  
15 from the site during rainy periods, and it is a mess.  
16 There is water -- there is stuff eroding all over the  
17 place. Now, we were there during a dry period, so we  
18 couldn't see it.

19 So if we qualified this sentence by saying,  
20 Based on what we saw the problems are likely,  
21 something along the lines of that, then it takes us  
22 out of making a definite statement that we saw  
23 problems.

24 MR. GARNETT: I would be for the word "may,"  
25 David. Does that suit you, or not?

1                   MR. BEDAN: To me, all you got to do is look  
2 at that site and you know there is going to be  
3 problems.

4                   MR. DAY: But, again --

5                   MR. BEDAN: You don't see it unless you're  
6 there during the rainy period or testing during a  
7 rainy period. But if that's a -- that's why we looked  
8 at that site, because we've been told by many people  
9 that that site was having severe erosion and runoff  
10 problems. Unfortunately, we weren't there during a  
11 rain.

12                  DR. WADE: Let me give the following wording  
13 and see what the group wants to do with it then.

14                  "In short, there was little evidence that  
15 best management practices had been employed in this  
16 example and the resultant potential for future  
17 problems with the site, especially in terms of water  
18 runoff, was likely."

19                  Am I getting -- are we getting close?

20                  MR. MAHFOOD: That's not a whole lot  
21 different than what it is, Jerry.

22                  MR. DAY: No. I think the fact that they  
23 couldn't determine how much was because of timber  
24 harvest, how much was because the way the road was put  
25 in, the county road -- I mean, I -- maybe the -- maybe

1 the county road department is as much to blame as  
2 anyone. I mean, I don't know. I don't think any of  
3 us know for sure.

4 So I don't know that I like -- I kind of  
5 agree with Mark. The word "may" to me is more  
6 appropriate than "likely."

7 MR. SMITH: Well, the people who were on  
8 this site described it as a "nightmare." Right?

9 MR. MAHFOOD: Yeah.

10 MR. GARNETT: Is there a report? Is there  
11 definitive quantitative information regarding the site  
12 somewhere that we don't know about?

13 MR. MAHFOOD: Not that I'm aware of. That  
14 was part of the -- that was part of the issue.

15 MR. GARNETT: I have a terrible time making  
16 this conclusion, Jon.

17 MR. SMITH: That was his conclusion.

18 MR. LAW: Well, that whole paragraph  
19 there --

20 MR. SMITH: He's the only one that was on  
21 the site.

22 MR. LAW: Yeah. Whoever was on the site and  
23 made that report ought to be quoted. Again --

24 DR. BERNIE LEWIS: Well, I asked John Dwyer  
25 if he had seen the site, and he said he walked over



1 it. And then I said, "How would you describe it?"  
2 And he described it basically in these  
3 terms. His last sentence of his little description  
4 was if -- if BMP -- if BMPs were a criteria, they  
5 flunked. I didn't phrase it that way, but this is  
6 basically his description from having walked over the  
7 last.  
8 MR. DAY: I don't mind his description being  
9 in there --  
10 MR. LAW: No.  
11 MR. DAY: -- as long as we give him credit  
12 for his description --  
13 MR. LAW: That's right.  
14 MR. DAY: -- and that it not appear that  
15 we -- those are our words or that we personally saw  
16 that, because I didn't.  
17 MR. BEDAN: That sounds good to me. We can  
18 attribute his statements to him.  
19 DR. WADE: Then let me read the following --  
20 let me read the following narrative: "According to  
21 John Dwyer, there was little evidence that best  
22 management practice had been employed in this example  
23 and the resultant potential for future problems with  
24 the site, especially in terms of water runoff, was  
25 evident."

1                   MR. LAW: Well, I think you have to go way  
2 back up into the paragraph on the other side where it  
3 starts, "Severe rutting from the skidder used by the  
4 loggers was evident. Since the roads had been wet  
5 during part of the operation . . ." And so I --  
6                   MR. BEDAN: That was evident when we were  
7 there. I mean, I have my own personal photographs of  
8 the ruts. I mean, that's not conjecture. I mean,  
9 what we didn't see is what happens during rain.  
10                  DR. WADE: Will that wording -- will that  
11 wording get it for the group then?  
12                  MR. LAW: We didn't see some small draws and  
13 ravines that had been used to skid logs down.  
14                  DR. WADE: Mark was first.  
15                  MR. GARNETT: I think we need to go back to  
16 Dr. Dwyer and make certain that he would sign off on  
17 this wording --  
18                  MR. LAW: Yeah.  
19                  MR. GARNETT: -- would be the way to  
20 approach it. And then --  
21                  DR. WADE: Okay.  
22                  MR. GARNETT: -- come back.  
23                  DR. WADE: Can you do that, Bernie?  
24                  DR. BERNIE LEWIS: Yes.  
25                  MR. BEDAN: You might want to identify who

1 he is, too.

2 DR. WADE: Doyle?

3 SENATOR CHILDERS: Looking on the first line

4 of that paragraph, the Committee also viewed --

5 DR. WADE: Can we have some quiet, please.

6 SENATOR CHILDERS: -- the Committee also

7 viewed, rather than "visited" because we didn't

8 actually go on the property. We viewed it, is what we

9 did, from the road, and that kind of take cares of

10 that situation, I think.

11 DR. WADE: Okay. Okay. Are we there?

12 MR. MAHFOOD: Jerry, so you're going to go

13 ahead and check on -- you're going to attribute that

14 part of that discussion to Mr. Dwyer.

15 DR. WADE: Yeah.

16 MR. MAHFOOD: And his --

17 DR. WADE: And he will be checked with to

18 make sure he agrees with the statement -- with his

19 attribution.

20 MR. MAHFOOD: And if he doesn't, a word or

21 two, then you'll -- I'm just trying to get

22 responsibilities down -- so you guys will change it to

23 fit what John thinks is the --

24 DR. WADE: That's right. We will change it

25 to be consistent with what John says he --

1                   MR. MAHFOOD:   Okay.   All right.

2                   DR. BERNIE LEWIS:   I will notify you via

3   e-mail if there are changes so you know.

4                   MR. LAW:   On the second page of the second

5   paragraph, this essentially is Emily's ownership that

6   we're talking about, isn't it?   Is there any reason

7   why we can't --

8                   DR. BERNIE LEWIS:   Yes, uh-huh.

9                   MR. LAW:   -- identify Emily and also

10   recognize that her professional forestry consultant

11   was there at the site and made this -- told us this?

12                  DR. WADE:   Where are you, exactly?

13                  MR. LAW:   The second paragraph on the second

14   page.

15                  DR. WADE:   On ii?

16                  MR. LAW:   Well, on Bernie's.

17                  DR. WADE:   I'm sorry.   We're still on

18   Bernie's.   Okay.

19                  "The Committee visited a second tract"?

20                  MR. LAW:   Uh-huh.   Well, the Committee

21   visited two sites on which uneven-aged management had

22   been utilized, and it was "owned by one of the

23   members."   I think that's Emily.

24                  MR. DAY:   Yes.

25                  DR. BERNIE LEWIS:   I didn't know whether --

1 DR. WADE: Do you want to attribute specific  
2 individuals on that? That is usually not done in  
3 these kinds of --

4 MR. DAY: You're right. It probably would  
5 be good to ask her, but I'm sure she wouldn't mind.

6 MR. LAW: I just --

7 DR. WADE: Does the Committee want to leave  
8 it as it is, or do you want us to ask -- do you want  
9 to attribute it to Emily if -- the ownership, if Emily  
10 agrees?

11 MR. DAY: I would say leave it up to Emily.

12 DR. WADE: Okay. I sense that's the general  
13 agreement of the Committee.

14 Okay. Do you have that, Bernie?

15 DR. BERNIE LEWIS: Yeah.

16 SENATOR CHILDERS: There was a good point  
17 brought up there, too, owned by one of the members of  
18 the -- we could also put in there that it was under  
19 professional management. I think that is an important  
20 factor to say there, that professional management was  
21 employed there.

22 MR. LAW: Uh-huh.

23 DR. WADE: Okay.

24 MR. LAW: Well, the same is true in the  
25 second example. I mean, we did identify "Pioneer."

1           MR. BEDAN: I think she told us it had been  
2 under professional management for something like 18  
3 years.

4           MR. DAY: It was up there, yeah.

5           MR. BEDAN: That was the idea, that you need  
6 long-term management.

7           DR. WADE: Okay. Bernie, do you have the --  
8 do you have the Committee's sense here?

9           DR. BERNIE LEWIS: Yes.

10          DR. WADE: Okay. On this addition, are  
11 there any other corrections, suggestions?

12          (No response.)

13          DR. WADE: Then I will assume that it is the  
14 Committee's consensus that we will go ahead and do as  
15 you've so instructed us, and then we'll build it into  
16 the final report.

17          Is there anything else in this first  
18 section? Going once? Going twice?

19          Section 2A, Pages 1 through 25.

20          MR. LAW: I have wordsmithing in the first  
21 paragraph here.

22          DR. WADE: Are you talking about --

23          MR. LAW: The first paragraph under "Timber  
24 Resource Setting."

25          DR. WADE: Okay. It starts, "On an overall

1 basis . . ."

2 MR. LAW: Pardon?

3 DR. WADE: That begins --

4 MR. LAW: Sustainable Forest Resource

5 Base --

6 DR. WADE: Yes.

7 MR. LAW: -- under "Forest Resource

8 Setting," Paragraph 1 and Line 2.

9 DR. WADE: Yes.

10 MR. LAW: Okay. I think it's a little

11 redundant that -- administered by either the federal

12 or U.S. Forest Service. Why don't we say U.S. Forest

13 Service? U.S. is federal, or the Missouri Department

14 of Conservation, and then -- I don't know.

15 DR. WADE: Take the "federal" out?

16 MR. LAW: Yeah. And you could say just --

17 Bernie, you could just knock out -- just put in -- at

18 the end of Department of Conservation with the forest

19 industry owning 2 percent, and then just stop right

20 there.

21 DR. WADE: Okay. So that -- did you have

22 something on this sentence?

23 SENATOR CHILDERS: Yeah. On that forest

24 industry, do we need to clarify? If someone is

25 reading this and not familiar with it, do we need to

1 say, like, commercial forest industry, or do we just  
2 say -- "forest industry" would encompass a wide  
3 variety in my mind, and I'm not sure how other  
4 people would see it, if that was the only wording on  
5 that, when you say who owns what percentage, to say  
6 2 percent.

7 DR. BERNIE LEWIS: In terms of the ownership  
8 categories on the back?

9 SENATOR CHILDERS: Yeah, on that line right  
10 there. "Forest industry owns only 2 percent of the  
11 State's timberland." Well, is that commercial land?  
12 Is that owned by -- when you say "forest industry,"  
13 what are we talking about there? That's the point  
14 I -- I guess, in a report such as this, I would want  
15 it to be real clear that we understood who owned it.

16 DR. BERNIE LEWIS: Yeah. One way that could  
17 be dealt with is in the glossary with a definition  
18 for -- I had not -- I had just used industry as a  
19 category on this one.

20 SENATOR CHILDERS: Would it be out of line  
21 to say, The commercial forest industry owns? Would  
22 that be something that would not be -- would be clear  
23 to anyone? Or maybe I'm just -- but it just -- that's  
24 something that struck my mind there. That's --

25 DR. WADE: Chair?



1                   MR. MAHFOOD:  Senator, how -- if I cannot --  
2   if I can push forward just for one second, the next  
3   page -- where did you get -- you have the timberland  
4   by ownership on the chart on the next page that says  
5   1989.  Is this an official document that you took  
6   these categories from?

7                   DR. BERNIE LEWIS:  Yes, uh-huh.

8                   MR. MAHFOOD:  Okay.  Are there definitions  
9   in that document that would help clarify what the  
10  Senator is -- because I had the same --

11                  DR. BERNIE LEWIS:  I think so.

12                  MR. MAHFOOD:  On another -- on another one I  
13  was wondering about the definition.  So there are  
14  definitions that are attributable to the chart that's  
15  on the next page, which is where you got your  
16  percentages --

17                  DR. BERNIE LEWIS:  Yes.

18                  MR. MAHFOOD:  -- in the narrative?

19                  DR. BERNIE LEWIS:  Yes.  Now, if -- whether  
20  there is a specific definition for "forest industry,"  
21  I'm not sure in the -- but I can certainly check and  
22  maybe say something.

23                  MR. MAHFOOD:  Is that an official -- is  
24  that, like, a Department of Conservation report that  
25  you have?

1 DR. BERNIE LEWIS: This is Forest Service  
2 data.  
3 MR. MAHFOOD: Forest Service data.  
4 DR. BERNIE LEWIS: These are their ownership  
5 categories for their data.  
6 MR. MAHFOOD: Knowing them, they are bound  
7 to have a definition, I would think --  
8 DR. BERNIE LEWIS: I would think so.  
9 MR. MAHFOOD: -- that is common.  
10 DR. WADE: Okay. David?  
11 MR. BEDAN: I have a question on the title  
12 of the section, "Sustainable Forest Resource Base." I  
13 wonder if that isn't a bit misleading. Shouldn't it  
14 be called "Timber Resource Base," because you really  
15 don't get into the sustainability issue until the next  
16 session, which is called "Sustainably Managed  
17 Forests."  
18 I mean, this is sort of the raw data about  
19 how many trees are there and how much cut there is,  
20 and this section title kind of implies more than is  
21 discussed there.  
22 DR. WADE: Your suggestion is that the title  
23 of this section be "Timber Resource Base"?  
24 MR. BEDAN: Right.  
25 DR. WADE: Is that generally agreeable?

1           MR. LAW:  Why not just call it Timberland  
2   Resource Base," because you've defined "timberland"  
3   down here, and I think that's all of the data.

4           DR. WADE:  Okay.

5           MR. LAW:  But that's well taken.

6           DR. WADE:  Timberland.

7           Okay.  Now, we've taken the "federal" out.  
8   Does that sen-- that next sentence then stand because  
9   the definitions -- because it comes from the table?

10          MR. LAW:  I just would suggest that -- since  
11   your footnoting along here, you could put that  
12   definition for "federal" -- or for -- for "forest  
13   industry" down there too, just to help the reader.

14          DR. WADE:  Okay.  And so we'll deal with  
15   that definition by foot-- by doing a footnote, and  
16   that should take care of it then.

17          Yes.

18          MR. MAHFOOD:  I just wanted to add, Brian  
19   just came forward with -- we've got the report that we  
20   were talking about, Senator, that's referenced, and  
21   there are definitions, and we'll get -- why don't we  
22   include these somehow by reference or footnote or  
23   whatever.  There are definitions in that report that  
24   was the basis for your numbers, so --

25          DR. WADE:  What we will probably do with

1     that, then, is just make a reference to the  
2     definitions in the glossary.

3             I can work with you on that later also.

4             MS. ELLEN DAVENPORT:   Okay.

5             DR. WADE:   I'll make a note.

6             Okay.   More on Section A, Pages 1 to 25?  
7             Jay?

8             MR. LAW:   Okay.   I would -- Page 5.

9             DR. WADE:   Okay.

10            MR. LAW:   "Timber Growth and Drain."

11            DR. WADE:   Yes.

12            MR. LAW:   Okay.   Following down the first --  
13     that full paragraph under there, ". . . conducted by  
14     the U.S. Forest Service . . ." and I think they are  
15     always in cooperation with -- it would be important  
16     here to say in cooperation with the Missouri  
17     Department of Conservation.   I believe that's the way  
18     this inventory is done here in our state.

19            DR. WADE:   Okay.   That -- that should read,  
20     ". . . the period inventory conducted by the U.S.  
21     Forest Service in cooperation with" --

22            MR. LAW:   Missouri Department of  
23     Conservation.

24            DR. WADE:   -- "Missouri Department of  
25     Conservation."

1                   MR. LAW:  And then there is -- you might --  
2   it says --  
3                   MS. ELLEN DAVENPORT:  I'm sorry.  I've lost  
4   you.  
5                   MR. LAW:  "Timber Growth and Drain," on  
6   Page 5.  
7                   DR. WADE:  ". . . conducted by the U.S.  
8   Forest Service" --  
9                   MS. ELLEN DAVENPORT:  Oh, experiment  
10   station -- okay.  Gotcha.  
11                  DR. WADE:  Back one word.  There.  In  
12   cooperation with Missouri Department of Conservation.  
13                  MR. LAW:  Okay.  And I would just suggest  
14   that at the end there, that thing where we come down  
15   to ". . . program at this North Central Forest  
16   Experiment Station," and I think probably it would be  
17   proper to say at St. Paul, Minnesota, because that's  
18   their headquarters for North Central.  
19                  DR. BERNIE LEWIS:  Of course, there is a  
20   unit in Columbia.  
21                  MR. LAW:  Well, that's the most important  
22   one is at Columbia, but I think the publication -- the  
23   publications all come out of St. Paul.  
24                  DR. WADE:  At the North Central Forest  
25   Experiment Station located at St. Paul, Minnesota.

1                   Okay.  Next?

2                   MR. LAW:  Another is a question.  It says,  
3   "Timber Growth and Drain," and I'm not sure when we  
4   get into talking about drain in there, there -- there  
5   is a growth projection and drain over on Page 9, but I  
6   don't know that we give any highlight to what the --  
7   what this drain report is in this particular section.

8                   DR. BERNIE LEWIS:  Do you think removals  
9   would be more accurate.

10                  MR. LAW:  Well, other than just tell what  
11   the methodology is.  You know, the drain report is a  
12   separate thing, but it's also done cooperatively with  
13   the MDC and the Forest Service.  You mention it later  
14   on, but I'm just asking whether we need to know --  
15   whether you need to put that in at this point, because  
16   I don't think you talk about any drain --

17                  DR. BERNIE LEWIS:  One thing I can do is  
18   Steve Shifley is here who did the projections, and I  
19   can ask -- we could ask Steve his comments on that.

20                  MR. LAW:  Well, it's not so much the  
21   projection, just the methodology, that they've been  
22   doing that, you know, for every year in conjunction --  
23   I don't know.  I --

24                  DR. WADE:  What's your question with it?

25                  MR. LAW:  The question is, it says, "Timber

1 Growth and Drain," all right, and we tell them how --  
2 where this comes from, but we don't mention about --  
3 anything about the drains. It says, "Periodic  
4 inventory." You could add "of the forest and forest  
5 industries" maybe up there.

6 DR. BERNIE LEWIS: Where is --

7 MR. SMITH: Do you want to remove the word  
8 "drain"?

9 MR. LAW: No. I was just making sure that  
10 we --

11 MR. SMITH: I don't understand where you're  
12 going.

13 MR. LAW: Okay.

14 MR. DAY: What do you want, Jay, I guess?

15 MR. LAW: Timber growth and harvest, that's  
16 the drain is the harvest.

17 SENATOR CHILDERS: A clarification would  
18 help there. "Drain" probably doesn't mean a lot to  
19 the average person if they look at it if they are not  
20 familiar with the terminology.

21 MR. LAW: Right. Maybe expand on that,  
22 "harvest" there, if you could.

23 DR. WADE: You are wanting to substitute  
24 that with "Timber Growth and Harvest"?

25 MR. LAW: Yeah.

1                   MR. SMITH:  Doesn't the report refer to --  
2                   MR. MAHFOOD:  Drain.  
3                   MR. SMITH:  That's what the report is  
4   called, isn't it, "Drain Report."  As long as "drain"  
5   is defined --  
6                   MR. LAW:  That's what I'm looking for, is a  
7   definition.  
8                   MR. SMITH:  The glossary is going to handle  
9   those things.  
10                  MR. LAW:  Okay.  
11                  DR. WADE:  Okay.  So that will be left as  
12   is?  
13                  DR. BERNIE LEWIS:  I'll be sure that the  
14   glossary handles that term.  
15                  MR. LAW:  Well, you might want to look at  
16   that harvesting thing to make sure that that -- maybe  
17   say a survey of mills or something, you know, just so  
18   they know that is two separate --  
19                  MR. SMITH:  Well, is "drain" and "harvest"  
20   the same thing?  
21                  MR. LAW:  It is.  
22                  DR. BERNIE LEWIS:  If you notice on the  
23   table on the next page, it is called, "Projected  
24   Annual Removals."  "Removal" is another synonym that  
25   goes for harvest.



1                   MR. LAW: Yeah.

2                   DR. WADE: The glossary needs to clearly

3 note that those three terms are synonyms.

4                   SENATOR CHILDERS: Would it make sense to

5 say harvest drain, just to put the word in there, even

6 though they are synonyms? Would that make sense? It

7 may not make the readability --

8                   DR. WADE: That becomes -- that becomes

9 redundant, but the suggestion here is to put in

10 brackets, or in parentheses behind it, harvest. And

11 that means it's not redundant, but it does clarify.

12                   Okay. In brackets or in parentheses,

13 "harvest."

14                   Okay. That should get it then.

15                   Okay. Next, Jay?

16                   MR. LAW: I have one more -- well, I have

17 two more.

18                   Bernie, we've got this map here, "Forest

19 Cover in Missouri with potential . . ." That's fine.

20 It's a very poor map to reproduce. We know that.

21                   We talk about these different regions like

22 the southeast and the eastern and the northwest. Why

23 not -- I don't know that it's important for people to

24 see the forest distribution as to get one of the maps

25 that shows the forest survey regions and then put

1 your -- your circles on that, because then that --  
2 that will tie back to what you're discussing back  
3 there.

4 DR. BERNIE LEWIS: You mean, like, the river  
5 border and the eastern --

6 MR. LAW: Yeah, show where all of those are,  
7 but just put it in a clean map like they have, and  
8 then put your circles on it. This is not a very good  
9 map to reproduce.

10 MR. SMITH: Will this map be in color in the  
11 report?

12 MR. MAHFOOD: Yes, it will be.

13 MR. SMITH: Well, I think this is a good map  
14 to have if it's going to show where the forested area  
15 in Missouri is. I think it's important to show that.

16 MR. LAW: Well, if you can show where these  
17 forest survey areas are, if you want to overlay that  
18 or something? Well, they mention out of the south  
19 and --

20 MR. SMITH: Add your map maybe. I think  
21 this is a good map to show that there are very -- I  
22 mean, it's a very limited amount of forest area in the  
23 state.

24 DR. WADE: Would the Committee leave it up  
25 to Bernie and I to either make sure that the actual

1 color map has those in it or add? If it --  
2 MR. MAHFOOD: Yeah.  
3 DR. WADE: If it can't be done clearly, then  
4 we'll add the one with the regions. Is that okay?  
5 MR. MAHFOOD: That sounds good.  
6 DR. WADE: All right. Any more in  
7 Section -- in Section A, Pages 1 to 25?  
8 Jay.  
9 MR. LAW: One more, and I'm done.  
10 Paragraph on Page 7, one, two -- the third  
11 paragraph down.  
12 DR. WADE: The paragraph beginning "These  
13 figures."  
14 MR. LAW: "These figures," and then dropping  
15 down just below mid-paragraph, it says, "In this  
16 latter regard, it was assumed that both federal and  
17 state public lands are dedicated more directly towards  
18 meeting resource priorities other than timber  
19 production."  
20 I'd rather have something said in there that  
21 "are managed for the sustained multiple use of all  
22 resources and that the outputs are not market driven."  
23 MR. GARNETT: I agree.  
24 MR. LAW: I think that's the difference.  
25 DR. WADE: Bernie, is that -- do you have

1     that written, Jay?

2                 MR. LAW:   I've got it written here, yeah.

3                 DR. WADE:   Can you write it on -- can you

4     write it on that?

5                 MR. LAW:    Sure.

6                 DR. WADE:   Is that agreeable to the

7     Committee, then?

8                 You want to repeat that, Jay, so that

9     every --

10                MS. ELLEN DAVENPORT:   Where is it on here?

11                DR. WADE:   Just a minute.   I had it.

12                Okay.   You're saying to replace this

13     sentence, Jay --

14                MR. LAW:    Uh-huh.

15                DR. WADE:   -- that goes -- okay.   That

16     entire sentence would be replaced.

17                MR. LAW:    Well, yeah, starting about

18     where -- "In this latter regard, it was assumed that

19     both federal and state lands are dedicated more

20     directly . . ."

21                DR. WADE:   Yes.   While Jay is doing the

22     writing on that, are there -- do others have some in

23     this section?

24                David.

25                MR. BEDAN:   It is kind of related to this

1 sentence. It really relates to the organization of  
2 the whole report.

3 We lead off the report with a lengthy  
4 discussion of commercial timber basically, and it sort  
5 of gives the impression that that's the main reason  
6 for having the forest. But the forests really provide  
7 lots of ecosystem services, one of the most important  
8 ones of those is water -- clean water.

9 And I wonder if it would be good to have an  
10 introductory that says what a forest is and what some  
11 of the benefits are, including the production of  
12 timber products.

13 DR. WADE: Okay. Where would you see that  
14 going to be?

15 MR. BEDAN: I see it as sort of a  
16 introductory page roughly --

17 DR. WADE: Would it be built in --

18 MR. BEDAN: -- right at the very beginning.

19 DR. WADE: -- built into Section I or into  
20 this section?

21 MR. BEDAN: It could be in the Introduction,  
22 I suppose.

23 SENATOR CHILDERS: What, Roman Numeral I or  
24 double I?

25 MR. BEDAN: It is sort of in there, but it

1 is buried in some technical discussions. And a number  
2 of people commented on this, I think, on earlier  
3 drafts.

4 MS. ELLEN DAVENPORT: Where are you wanting  
5 me to start with this?

6 MR. LAW: Let's see. ". . . it was assumed  
7 that both federal and state and private lands are, and  
8 then start at "are."

9 MS. ELLEN DAVENPORT: So I need to delete  
10 the rest of that sentence and then --

11 MR. LAW: Yes.

12 MS. ELLEN DAVENPORT: -- put that in? Okay.

13 DR. WADE: Now, while she's doing that,  
14 would you see -- would you see that coming somewhere  
15 in the Introduction, then, David?

16 MR. BEDAN: I guess, either in the  
17 Introduction or at the beginning of this Section II.

18 MR. DAY: I'm not clear what you're --

19 MR. GARNETT: Why is it necessary, David?  
20 What's the point?

21 MR. BEDAN: The point is, we start right off  
22 and the report basically gives the impression that our  
23 main interest is in the commercial timber operations,  
24 and the forest provides a lot more things to us than  
25 that.

1           I mean, the national forests, for example,  
2   were mostly established around the turn of the century  
3   to protect the water quality. And that sort of gets  
4   lost buried deeply in the report. And I think we  
5   should say that the forests provide a lot of things,  
6   including timber, instead of leading off with timber,  
7   as if that were the main reason we want forests.

8           DR. WADE: If you would go to the first  
9   paragraph of the Introduction, now, that paragraph, I  
10  think, was, in fact, designed to do what you're  
11  talking about, and what you're suggesting is it  
12  doesn't do it adequately?

13          MR. BEDAN: Well, it is very brief. I mean,  
14  we've got 25 pages on timber, and we've got one small  
15  paragraph on the broader picture. Maybe -- maybe  
16  that's what I am saying, to expand that initial  
17  paragraph some.

18          I mean, that's kind of why we're all here is  
19  to protect the overall resources of the forest.

20          MS. SARAH TYREE: Wouldn't that also be  
21  captured -- I mean, I know it's the last thing that  
22  you write, but the Executive Summary? I mean, it's  
23  kind of like what we -- I mean, I kind of -- believe  
24  me, I know exactly what you're saying, but one of the  
25  reasons why we spent so much time working on this

1   issue and addressing the industry part of it is  
2   because there is concern about the other aspects of  
3   the forest.

4               I mean, again, that's the last thing, I  
5   know, that needs to be written, but would that --  
6   would that help, or were you wanting -- I just -- I  
7   just kind of threw it out.

8               MR. BEDAN:   Well, in the Executive Summary  
9   you don't want to have a lot of detail.  I mean, it  
10   could be referenced in there, but I suggest kind of  
11   setting the stage, you know, here is our forest and  
12   they provide us with a lot of benefits, rather than  
13   kind of the heavy emphasis on commercial timber.

14              Anybody else?

15              DR. WADE:   Are there any other --

16              MR. BEDAN:   I mean, I know that -- wasn't  
17   that a comment from a number of commenters?  Maybe we  
18   didn't really address that.

19              DR. BERNIE LEWIS:  Well, there were some  
20   comments to the extent that -- from some folks who  
21   thought, well, it's too bad it starts off with timber,  
22   but we're looking at the chip mills and they process  
23   timber.  That's kind of how it started.

24              MR. BEDAN:   Right.

25              MR. BEDAN:   Well, we don't have to settle



1     this right now, I guess.  We can think about it and  
2     come back to it later.  It was triggered by this  
3     sentence.

4             DR. WADE:  Yeah.  Let me come back to this  
5     sentence, and then I'll make a comment on David's and  
6     see if we can move on.

7             "In this latter regard, it was assumed that  
8     both federal and state public lands are dedicated to  
9     sustained yield management of all resources, including  
10    timber, and outputs are not market driven."

11            MR. LAW:  And their outputs.

12            DR. WADE:  And the outputs are not market  
13    driven, including --

14            MR. DAY:  It's awkward.

15            MR. BEDAN:  And other outputs which are not?

16            MR. GARNETT:  It's referring back to the  
17    federal and state.

18            DR. BERNIE LEWIS:  And other non-market  
19    goods and services, or something like that?

20            MR. LAW:  Put that.  It's just that their  
21    timber output is not market driven, for one thing.

22            DR. WADE:  Yeah.  We have a sentence  
23    structure problem here.

24            MR. LAW:  Okay.

25            DR. WADE:  Let me see.  ". . . are dedicated

1 to sustained yield management of all resources" --  
2 MR. LAW: Including timber.  
3 DR. WADE: -- "including timber," and then a  
4 period.  
5 MR. LAW: The resource outputs of these  
6 lands are not market driven.  
7 DR. WADE: Yes. A period right there.  
8 MS. ELLEN DAVENPORT: After "timber"?  
9 DR. WADE: Yeah. And then the resource  
10 outputs -- say it again.  
11 MR. LAW: The resource outputs of these  
12 lands.  
13 DR. WADE: The resource outputs of these  
14 lands are not market driven.  
15 DR. BERNIE LEWIS: But timber is market  
16 driven.  
17 DR. WADE: Thank you.  
18 MR. LAW: They're budgeted.  
19 MR. GARNETT: They budget for it. The  
20 market doesn't have nothing to do with it.  
21 DR. WADE: The one -- one possible way of  
22 addressing David's is that we can -- we can -- Bernie,  
23 could we do an expanded discussion of that first  
24 paragraph and have that as an alternative paragraph  
25 and -- and then let the Committee make the decision as

1 to which would be most appropriate here? Would that  
2 work? Is that a way of dealing with that question?  
3 Does that -- are you comfortable with that, David?  
4 MR. BEDAN: Yeah.  
5 DR. WADE: Okay. More on this section?  
6 Anything else? Going once? Going twice?  
7 (No response.)  
8 DR. WADE: Section B, Pages 26 through 37?  
9 Anything?  
10 MR. DAY: Don't beg for it.  
11 MR. MAHFOOD: Just keep going. Keep going.  
12 Nobody is raising their hand.  
13 DR. WADE: David?  
14 MR. BEDAN: On the bottom of the very last  
15 line of Page 34, there is something missing there --  
16 DR. BERNIE LEWIS: Yes.  
17 MR. BEDAN: -- right at the end of the line.  
18 DR. BERNIE LEWIS: That line should not  
19 be -- that should have been dropped. The underlined  
20 phrase should continue, the very last line,  
21 Page 34.  
22 MR. DAY: You're saying should be  
23 underlined.  
24 DR. BERNIE LEWIS: The part that is not  
25 underlined should have been dropped from the sentence.

1 DR. WADE: Come on down onto the next page,  
2 please --  
3 MS. ELLEN DAVENPORT: Okay.  
4 DR. WADE: -- to the last paragraph.  
5 MR. DAY: And you had said earlier that the  
6 underlined items will not be included?  
7 DR. BERNIE LEWIS: No. That's the new stuff  
8 since the last time.  
9 MR. DAY: Okay.  
10 MR. MAHFOOD: It's a different paragraph.  
11 DR. WADE: Okay. From there -- from "in  
12 order" to "significant when" should be eliminated; is  
13 that correct?  
14 DR. BERNIE LEWIS: Yes.  
15 DR. WADE: Okay. Yes. Delete, please.  
16 MS. ELLEN DAVENPORT: "In order for the  
17 landowner," is that where we're at?  
18 DR. WADE: Yes. And coming back to "when."  
19 "In order for the landowner to realize a profit" --  
20 there. Okay. Delete.  
21 Okay. Anything else in this section?  
22 MR. BEDAN: Yes. Forty-four, I think.  
23 DR. WADE: Okay. Nothing else in this  
24 section.  
25 Section C, Pages 38 to 56, please go to

1 Page 44.

2 Okay. David.

3 MR. BEDAN: Page 44, the last -- first line,  
4 last paragraph.

5 DR. WADE: "In terms of production" --

6 MR. BEDAN: "In terms of production,  
7 the Willamette facility at Mill Spring has  
8 authority . . ." What does that mean? What is that  
9 authority?

10 MR. DAY: Should that word be "capability"?

11 MR. BEDAN: Well, that's what I don't know.  
12 Is this referring to a permit condition, or  
13 should --

14 DR. WADE: You need to come down about a  
15 half a page, the paragraph that begins, "In terms of  
16 production" -- that paragraph. Okay.

17 MR. BEDAN: "In terms of production, the  
18 Willamette facility at Mill Spring has authority to  
19 debark . . ." I was wondering, what is meant by  
20 "authority"?

21 Is that -- Steve, is that something in the  
22 Clean Water Permit?

23 MR. MAHFOOD: I'll look over at Dan, and  
24 that's not really the way it's worded, is it?

25 MR. LAW: Capability?

1                   MR. BEDAN: Capability or capacity.

2                   DR. WADE: Capability. Okay. Replace that

3 with "capability."

4                   MR. BEDAN: Well, then I have another

5 problem because I think that this 200,000 to 300,000

6 tons is premised on the assumption that there will be

7 one shift employed at the mill, and I think what we

8 learned from other people is that these mills can run

9 around the clock. The Westvaco mill runs around the

10 clock, so the actual capacity is more like a million

11 tons per year.

12                  What I want to know is, is there some sort

13 of limit in the permit that says you can only do

14 300,000? And what I'm hearing from these DNR folks,

15 there is no limit in the permit.

16                  MR. DAN SCHUETTE: The permit deals with

17 clean water not the ability to chip chips.

18                  MR. BEDAN: Okay. So this needs to somehow

19 be restructured to say that under the current

20 operation, one-shift operation --

21                  DR. BERNIE LEWIS: We could define that as

22 average capacity that was earlier in the report.

23                  MR. DAY: You're throwing in a lot of "what

24 ifs," though, David. What if they double -- double

25 the size of their facility? I mean --

1           MR. BEDAN: But I'm saying, with the  
2 facility sitting there, with the machine as it is,  
3 from my understanding, they could theoretically chip  
4 closer to a million tons.

5           MR. DAY: And theoretically they could cut  
6 it in half, too. You're throwing in a lot of "what  
7 ifs."

8           MR. BEDAN: But if you're using the term  
9 "capacity," that implies that physically they can only  
10 chip 300,000 tons a year, and that's not true.

11          SENATOR CHILDERS: That's right.

12          DR. WADE: A correct statement here based on  
13 that would be "has the capacity to" --

14          MR. BEDAN: It would have to be something --  
15 some phrase, that under the current level of staffing,  
16 a one-shift operation, they intend to produce 200,000  
17 or 300,000 tons, something like that.

18          DR. WADE: Well, let me try this wording to  
19 see if this is technically accurate.

20          ". . . has the capacity to debark and to  
21 produce 300,000 tons of wood chips per eight -- per  
22 eight-hour shift per year."

23          MR. DAY: Is that --

24          DR. WADE: Is that technically correct?

25          Yes.

1                   MR. MAHFOOD: Chair? Jerry, why don't you  
2 ask -- Mr. Galliher is here. Why don't you ask him  
3 about it?

4                   MR. GARNETT: While we're getting to it, you  
5 can't --

6                   MR. MAHFOOD: Yeah. Why don't you ask him?  
7                   There is -- there is an Air Permit  
8 limitation of 300,000 tons per year. That's what we  
9 were just talking about. But how that's arranged by  
10 shift, I don't know. I'm sure he knows.

11                  MR. BERNIE LEWIS: There is a permit in  
12 place?

13                  MR. MAHFOOD: There is an Air Quality  
14 Permit. There is a de minimus limitation in the Air  
15 Permit part of this that limits the 300,000 tons per  
16 year.

17                  DR. WADE: Okay. Could --

18                  MR. MAHFOOD: But I'd like to have -- I  
19 think he needs to --

20                  MR. BEDAN: Maybe this statement is correct,  
21 then, if you reference the Air Permit.

22                  MR. DAY: Yeah. It just needs to reference  
23 the permit.

24                  MR. BEDAN: Does that mean that they would  
25 have to come back to DNR?



1                   MR. MAHFOOD: Why don't we ask Jerry?  
2                   DR. WADE: Yes.  
3                   MR. MAHFOOD: Is Steve here?  
4                   MR. STEVE GALLIHER: What's your question?  
5                   What's your question? I'm sorry.  
6                   MR. BEDAN: I guess the question is, is  
7                   there any physical reason why you can't add additional  
8                   shifts at the mill and increase the production if the  
9                   market warranted?  
10                  MR. DAY: Are you limited by any kind of  
11                  permit or anything like that that you know of?  
12                  MR. STEVE GALLIHER: Right now we are -- my  
13                  understanding is we're limited to how much wood we can  
14                  chip out on our -- based on our air permit.  
15                  MR. GARNETT: Which is how much?  
16                  MR. STEVE GALLIHER: 300,000 tons.  
17                  MR. DAY: Let's reference the permit in  
18                  there.  
19                  MR. BEDAN: Let's reference that Air Permit.  
20                  MR. MAHFOOD: Yeah.  
21                  MR. Day: What's that -- I mean, is that  
22                  what it's called, an Air Permit?  
23                  MR. MAHFOOD: Yeah. For this report, that  
24                  would be --  
25                  DR. WADE: "In terms of production, the

1 Willamette facility at Mill Spring is limited by the  
2 Air Quality Permit."

3 MR. BEDAN: Air Quality.

4 MR. MAHFOOD: Air Quality Permit.

5 DR. WADE: Is that correct?

6 MR. DAN SCHUETTE: I would have to look at  
7 that and find out exactly the best way to write that  
8 for you.

9 MR. MAHFOOD: That's broad enough, though,  
10 to be okay, wouldn't it? I mean, the Air --

11 MR. DAN SCHUETTE: My understanding is that  
12 they don't have a permit as long as they stay under  
13 300,000 tons. If they go above 300,000 tons, then  
14 they have to apply for a permit. So that's why I need  
15 to get clarification on the actual wording.

16 DR. WADE: Okay. Let us make a tentative  
17 change on that, and then we will -- we will do the  
18 work to get the precise technical wording.

19 MR. MAHFOOD: That makes more sense, because  
20 I knew there wasn't a permit involved here, but there  
21 is a threshold.

22 MR. DAY: In other words, if they reach that  
23 level, they have to apply for a permit.

24 DR. WADE: Okay. The following wording  
25 then, "In terms of production, the Willamette facility

1 at Mill Spring is limited to debark -- is limited to  
2 debark and produce 300,000 tons of wood chips per  
3 year --"

4 SENATOR CHILDERS: Under the current  
5 circumstances.

6 DR. WADE: Yeah, "without additional  
7 permitting."

8 MR. MAHFOOD: Yeah.

9 DR. WADE: "Without additional permitting."

10 MS. ELLEN DAVENPORT: "Per year, without  
11 additional permitting"?

12 DR. WADE: "Per year, without additional  
13 permitting." Go right --

14 MR. MAHFOOD: Jerry, I don't know why we  
15 need that kind of detail. I mean, if we just  
16 have this -- like, the first line, "at Mill Spring is  
17 currently limited," or somewhere put "just currently,"  
18 or something to that effect, since we don't know the  
19 right wording for the permitting. I'm not sure that  
20 they need it. I don't know what they need right now.  
21 I think it is erroneous to start putting words in  
22 there.

23 DR. WADE: Let's take that out. Let's  
24 take -- okay. Take that out.

25 MS. ELLEN DAVENPORT: Which one?

1 DR. WADE: "Without additional permitting".  
2 MS. ELLEN DAVENPORT: okay.  
3 DR. WADE: And put "currently" right there,  
4 "is currently limited."  
5 MR. BEDAN: "Is currently limited by Air  
6 Quality regulations." What I -- Steve, what I'm  
7 trying to avoid is the -- I've had this problem  
8 throughout the report. I'm trying to avoid the idea  
9 that they can only do 300,000 tons a year, when both  
10 of these mills can double or triple their  
11 production --  
12 MR. MAHFOOD: I understand.  
13 MR. BEDAN: -- without building any more  
14 facility, and all of these scenarios then become very  
15 different.  
16 MR. DAY: Can you say "under current  
17 conditions." The condition is that they have to get a  
18 permit --  
19 MR. MAHFOOD: It would probably --  
20 MR. DAY: -- if they want to go over  
21 300,000.  
22 MR. MAHFOOD: That's probably a good way, by  
23 adding the word "permitting" in there, however you can  
24 to -- under current permitting conditions, they can --  
25 that's what their --

1 DR. WADE: Replace "in terms of production,"  
2 with, "under current permitting conditions the  
3 Willamette factory is limited" -- will that work?  
4 SENATOR CHILDERS: That looks good.  
5 DR. WADE: Okay. "Under current permitting  
6 conditions," and then remove that "currently" right  
7 there.  
8 Okay. Is that --  
9 MR. MAHFOOD: That doesn't get to the -- I  
10 know what Dave is saying. That doesn't get to  
11 capability, you know, physical capability of the  
12 system that's in place there. That's not -- this  
13 is -- this is a permitting issue, so I don't know how  
14 you --  
15 MR. DAY: But without the permit, this is  
16 the capability.  
17 MR. MAHFOOD: That's right. I mean, the  
18 potential is much higher -- I think -- is what you're  
19 saying -- I'm sorry. I don't -- is what you're  
20 saying, David Bedan, is that potential is much higher  
21 but it's limited by permit? Is that what you're  
22 saying?  
23 MR. BEDAN: It's not limited by the physical  
24 facility. It goes right to the heart of the main  
25 issue in here, is how many chip mills could we have in

1 Missouri and still have the sustainable forest. And  
2 Missouri's figures run around that we could have a  
3 couple more, whatever. Well, we could have three  
4 times the cutting right now just with the two mills we  
5 have.

6 MR. DAY: Not without a permit, though.

7 DR. WADE: Bernie?

8 DR. BERNIE LEWIS: Could you look at the  
9 footnote on Page 9? That's where you made the  
10 distinction -- because we -- we did go through this  
11 before.

12 That's where we made the distinction between  
13 full capacity and average capacity, saying that we  
14 would consider full capacity to be the firm in  
15 operating all three shifts, and we would call one  
16 shift average capacity, just to settle that  
17 terminology.

18 MR. BEDAN: Right.

19 DR. BERNIE LEWIS: So, therefore, you know,  
20 with that definition in place, then, you could start  
21 this sentence, "Under average capacity," and then --  
22 and you know that you're dealing with a one-shift  
23 scenario.

24 MR. BEDAN: Yeah, if people will remember  
25 the reference 40 pages back.

1           MR. DAY: Well, I think it's -- I think it's  
2 more informative to let them see the 300,000 under the  
3 current permitting, and if they want to go over that,  
4 then, I mean, obviously people can figure out that  
5 they have to go to someone and get a permit to do  
6 that.

7           DR. WADE: Mark?

8           MR. GARNETT: I don't want to get into a  
9 long, belabored discussion of this, but while we're  
10 kind of on this volume subject, we need to define  
11 "high capacity chip mill." I don't see it defined  
12 anywhere in the report, and I think that's --  
13 that's --

14          DR. WADE: Bernie?

15          DR. BERNIE LEWIS: That was right on Page 1  
16 of the Introduction. That was one of the additions  
17 that was added. I -- I added a definition footnote  
18 right on Page 1 --

19          MR. GARNETT: Good.

20          DR. BERNIE LEWIS: -- for you to take a look  
21 at.

22          MR. DAY: This?

23          DR. BERNIE LEWIS: Yes. On Page i, in other  
24 words, of the Introduction, the very first time it was  
25 brought up. I wanted you to take a look at that and

1     decide whether -- I wanted you to -- I picked that  
2     number.

3             MR. BEDAN: I think the Clean Water  
4     Commission has a definition. They said something like  
5     any mill's primary purpose.

6             DR. BERNIE LEWIS: But that's defining a  
7     chip mill and not high capacity.

8             MR. DAY: We've got a ton of chip mills out  
9     there, but not necessarily high capacity.

10            Does anybody know what the Clean Water  
11   Commission's definition is?

12            MR. BEDAN: Well --

13            DR. WADE: Does the Commission wish to  
14   decide if they are going to accept that --

15            MR. GARNETT: Sorry, Bernie. I missed that.

16            MR. DAY: I don't -- I don't know that I  
17   mind what the number is, as long as everybody knows  
18   what the number is. I mean, that's the important  
19   part.

20            DR. WADE: Okay.

21            MR. BEDAN: If you're going to use a number,  
22   the number I've generally heard is 100,000 tons, and I  
23   think it's -- it's a term that there is probably not  
24   widespread agreement on. It's probably not surprising  
25   to find.



1                   MR. DAY:  If we used 100,000, does that mean  
2   that we have more than two high capacity chip mills in  
3   the state?

4                   MR. SMITH:  I don't think so.

5                   DR. BERNIE LEWIS:  No.

6                   MR. GARNETT:  It's -- it's possible using  
7   David's scenario of full capacity that the one over in  
8   southwest Missouri could be above.

9                   MR. DAY:  The one down in Ozark County?

10                  MR. GARNETT:  Could be above, but that one  
11   would have to run three shifts to be above.

12                  MR. BEDAN:  Okay.

13                  DR. BERNIE LEWIS:  That's why I left 50,000  
14   kind of as space for the -- the existing.

15                  MR. BEDAN:  Where does the 300,000 come  
16   from?  Is that in some literature, or --

17                  DR. BERNIE LEWIS:  300,000.

18                  MR. DAY:  No.  The hundred-fifty is what  
19   we're calling -- it's 150.  Oh, you were thinking  
20   300,000 is what they were calling it?

21                  DR. WADE:  Right.  The 150,000 tons on  
22   Page i under Section I.

23                  SENATOR CHILDERS:  That seems reasonable.

24                  MR. GARNETT:  I don't have a problem with  
25   that.

1 DR. BERNIE LEWIS: That came from me just  
2 for you to . . .

3 DR. WADE: Okay. Unless someone quarrels,  
4 we will leave that and come back --

5 MR. BEDAN: So it's kind of an arbitrary  
6 definition?

7 DR. WADE: Yes.

8 DR. BERNIE LEWIS: Well, it is relative.  
9 Back east a 150,000 processing mill wouldn't be  
10 considered -- in Virginia it wouldn't be considered a  
11 high capacity mill. But, again, in the footnote I  
12 tried to emphasize based on what we're used to  
13 processing in Missouri, certainly in terms of chips,  
14 it's quite a bit. It is relative.

15 DR. WADE: If there is no quarrels that that  
16 150,000 is an operational number for this -- for this  
17 report, can we come back to here?

18 There is one -- one question that is  
19 unanswered which David raised, and I want to address  
20 that and then move on.

21 David has recommended that we include some  
22 statement that indicates that the actual physical  
23 capacity is three times that. Do you want that in or  
24 not?

25 Doyle?

1                   SENATOR CHILDERS: The only thing I could  
2 say is right under that, at the very start of the  
3 sentence, is to say the physical capacity is -- is  
4 whatever it is, a million, or whatever it may be, but  
5 under concern permitting conditions it is limited,  
6 and, I mean, if you want it in there. It doesn't  
7 matter to me if it's in there or not.

8                   DR. WADE: Okay.

9                   MR. DAY: Can we ask them, the folks from  
10 Willamette?

11                  DR. WADE: Sure. Absolutely. Absolutely.

12                  MR. DAY: What is your physical capacity?  
13 If you were held back by nothing, how much could you  
14 chip, or do you know?

15                  MR. STEVE GALLIHER: I don't know. The mill  
16 that we have at Mill Spring, based on the two mills  
17 that we own in Pennsylvania, both of those are running  
18 less than 250,000 a year.

19                  MR. DAY: And they are running --

20                  MR. STEVE GALLIHER: They are trying to run  
21 as much as they can. They are the main source for  
22 wood for the paper mill in Pennsylvania.

23                  MR. BEDAN: How many shifts?

24                  MR. STEVEN GALLIHER: That's one shift.  
25 They are running those mills as hard as they can.

1                   MR. DAY: I'm uncomfortable, not being in  
2 the chip mill business, telling them how much they can  
3 do, I guess is my hangup, saying, I know good and well  
4 if you ran 24 hours a day, here is what you could do,  
5 because I don't know.

6                   MR. BEDAN: And we know that some chip mills  
7 do run 24 hours a day. John Wood told me that  
8 Westvaco runs 24 hours a day.

9                   MR. GARNETT: That's kind of --

10                  DR. WADE: Yes.

11                  MR. GARNETT: This is kind of the same  
12 scenario as the water runoff thing. I'm kind of like  
13 David. I hate to put something in there that we don't  
14 know.

15                  MR. BEDAN: But we don't want to put the  
16 reverse in that we don't know either. I mean, we  
17 don't want to imply that the physical capacity is  
18 300,000 tons if that's not true.

19                  MR. GARNETT: I don't think we're implying  
20 that. I think we're saying it is permitted to be  
21 300,000 tons. You might -- you might say it's more, I  
22 mean --

23                  DR. WADE: Are we to leave it as it is?

24                  MR. DAY: I'd like to leave it as it is.

25                  MR. BEDAN: All right.

1 DR. WADE: Any more on Section C?  
2 MR. Smith: Where does Section C end?  
3 MR. WADE: Fifty-six.  
4 MR. SMITH: On Page 47, the first paragraph  
5 continued from 48 -- or from 46, in the second line.  
6 MR. DAY: Second line of Page 47?  
7 DR. WADE: Yes. The line beginning  
8 "finished lumber"?  
9 MR. SMITH: Yeah. If we get down to  
10 "flooring-paneling."  
11 DR. WADE: Right there.  
12 MR. SMITH: Yeah. I don't know what  
13 flooring-paneling is.  
14 MR. DAY: Well, if you don't know, we're in  
15 trouble.  
16 DR. WADE: That --  
17 MR. SMITH: We're in trouble.  
18 DR. WADE: Is that supposed to be a comma?  
19 MR. MAHFOOD: Yeah, I think --  
20 MR. GARNETT: I think it's a comma.  
21 MR. MAHFOOD: -- it's supposed to be  
22 flooring and paneling.  
23 DR. WADE: "Flooring, panel."  
24 MR. DAY: That's where you take the flooring  
25 material and put it on the wall.

1                   MR. SMITH: That's a good idea. Excellent  
2 idea.  
3                   MR. LAW: Excellent, yes.  
4                   MR. DAY: You like that, huh?  
5                   MR. LAW: We support that. On the ceiling.  
6                   DR. WADE: Are there any more on Section C?  
7                   MR. LAW: Well, the three --  
8                   DR. WADE: Going once --  
9                   MR. LAW: The 300 got me thinking. Let's  
10 take a look in that Page 47, the partial paragraph at  
11 the top, the second paragraph, the third paragraph,  
12 the last sentence in that.  
13                   DR. WADE: Yes.  
14                   MR. LAW: "In the latter instance, for  
15 example, if there is pressure on a mill to fill  
16 300,000 tons of chips by the following month, then  
17 everything that goes through the mill is going to be  
18 chipped."  
19                   MR. GARNETT: We don't know that, again, do  
20 we?  
21                   MR. LAW: I don't think anybody has got, you  
22 know, 300,000 -- is that going to be chipped the  
23 following month? It just seems like a huge amount of  
24 wood to do in a month.  
25                   DR. BERNIE LEWIS: That was Gulden's point

1 about -- when discussing the quality of wood going  
2 through the mill and whether or not high quality wood  
3 can be pulled out, and his point was that if the mill  
4 is under -- one condition where better wood might be  
5 chipped is if the mill has to fill some order.

6 MR. LAW: Well, I don't know that we need  
7 the 300,000 tons, do we, after what we've talked  
8 about.

9 MR. DAY: If there is high demand, or  
10 something like that, instead of --

11 MR. MAHFOOD: Yeah, that number doesn't mean  
12 anything here.

13 MR. DAY: Let someone decide their own  
14 number of what high demand is.

15 DR. WADE: Let me try this -- let me --

16 MR. LAW: To fill orders for chips, I guess.

17 DR. WADE: Then what I'm hearing you say is  
18 the following wording: "In the latter instance, for  
19 example, if there is pressure on the mill to fill an  
20 order by the following month, then everything that  
21 goes through the mill will be chipped."

22 MR. LAW: Yes.

23 DR. WADE: Yes.

24 MR. BEDAN: If this is something attributing  
25 to Tim Gulden, shouldn't we go back to his actual text

1 or statement?

2 MR. GARNETT: I agree.

3 MR. BEDAN: Use his words, instead of trying

4 to make up something we're not sure he said.

5 MR. DAY: You're right. You're right.

6 DR. WADE: And do an attribution.

7 MR. DAY: Yeah, so people understand it.

8 MR. GARNETT: It's not -- although it says

9 in the Arkansas study "Gulden" and so on and so forth,

10 it's not real clear that that's from somewhere else.

11 SENATOR CHILDERS: Because the next sentence

12 above says he also observed and then it's kind of a

13 continuation, so I think that would be something to do

14 an attribute there.

15 DR. WADE: Okay. Can we take care of that

16 and come back and get that? Do you have a note on

17 that, Bernie?

18 DR. BERNIE LEWIS: Yeah.

19 DR. WADE: Anything else in C? Going once?

20 Going twice?

21 Section D, Pages 57 to 76?

22 (No response.)

23 DR. WADE: Hearing nothing --

24 MR. BEDAN: Page 60, there is a small typo.

25 The paragraph that's "Forest Management



1 Practices in relation to soil erosion and  
2 fertility" --

3 DR. WADE: Yes.

4 MR. BEDAN: -- the one, two, three, fourth  
5 line, "Tolerable soil loss in the Ozarks may be one to  
6 three . . ."

7 DR. WADE: Okay.

8 SENATOR CHILDERS: On the very first page, a  
9 little bit picky, but on that very first paragraph in  
10 the first page of this section, back to whatever it  
11 was.

12 DR. WADE: Okay. Back to Page 57.

13 SENATOR CHILDERS: When we looked at that,  
14 it says the state's forestland. Are we talking there  
15 about the State's -- when we go about defining that,  
16 are we talking about the forestlands that exist in the  
17 state or are we talking about the land the State owns?  
18 Because that's a very important distinction there of  
19 what we're defining.

20 DR. BERNIE LEWIS: I think it's the  
21 forestlands of the state.

22 DR. WADE: Okay. Change this to "the  
23 forestlands in the state." Would that take care of  
24 it?

25 SENATOR CHILDERS: It would.

1 DR. WADE: No. Yeah. Yes. The forestlands  
2 in the state. Then this -- we should probably just  
3 take the "state's" out, and then just say, "In this  
4 capacity, forests provide a wide range."  
5 Okay. Yeah.  
6 Okay. Any more in this section? Going  
7 once? Going twice?  
8 (No response.)  
9 DR. WADE: Section E, Pages 77 to 98?  
10 (No response.)  
11 DR. WADE: Hearing nothing, going once?  
12 Twice?  
13 (No response.)  
14 DR. WADE: Section F, Pages 99 to 111?  
15 DR. BERNIE LEWIS: Ninety-nine to 103.  
16 DR. WADE: Oh, I'm -- Page 99 to the end  
17 of that paragraph which also includes Section G,  
18 Page 99 --  
19 DR. BERNIE LEWIS: Ninety-nine to 103.  
20 DR. WADE: Yeah, 99 to 103, and 104 to 111,  
21 Section G.  
22 MR. BEDAN: On Section F --  
23 DR. WADE: Yes.  
24 MR. BEDAN: -- I just wonder if that title  
25 of that section accurately describes what the section

1 is all about, because the section is really more  
2 landowner rights and responsibilities than freedom of  
3 choice.

4 DR. WADE: Yeah, freedom of choice --  
5 freedom of choice raises a whole other social issue.

6 MR. LAW: Yes.

7 MR. BEDAN: Well, where this title came  
8 from --

9 DR. WADE: I don't -- I don't think we want  
10 to go there.

11 MR. BEDAN: This title came from that  
12 brainstorming session we had and somebody just popped  
13 up freedom of choice, but that -- but the section is  
14 really more than that.

15 DR. WADE: Okay. "Landowner Rights and  
16 Responsibilities" is probably a more accurate  
17 designation.

18 MR. BEDAN: It probably ought to be changed  
19 in the diagram, too.

20 DR. WADE: Okay.

21 MR. SMITH: Well, your next heading is the  
22 title of that also.

23 MR. BEDAN: Where is that?

24 MR. SMITH: Down here. You'll have two.

25 DR. WADE: Well, that's true.

1           MR. BEDAN: You want to come up with  
2 something different?  
3           DR. WADE: Either that or take the  
4 subheading out.  
5           MR. BEDAN: You've violated the rule of  
6 subheadings, because you only have one subheading, so  
7 you didn't need a subheading.  
8           DR. WADE: Take the subhead out.  
9           MS. ELLEN DAVENPORT: Which is --  
10          DR. WADE: Come down. Right there.  
11          MR. DAY: So we're ditching that altogether.  
12          DR. WADE: Yeah. Any more on Section F or  
13 Section G? Going once? Going twice?  
14          MR. BEDAN: On Section G --  
15          DR. WADE: Yes.  
16          MR. BEDAN: -- I frankly haven't had time to  
17 study this section, but one of the questions I had, we  
18 talked about --  
19          SENATOR CHILDERS: What page?  
20          MS. ELLEN DAVENPORT: What page is that?  
21          MR. BEDAN: Well, it's just the whole  
22 section, 104 --  
23          DR. WADE: Beginning on Page 104.  
24          MR. BEDAN: -- through 111.  
25          It talked about referencing at least -- here

1 it is. No, I guess not -- the southeast study on chip  
2 mills. I can't remember what the official title of it  
3 is, but there is a regional study that includes all of  
4 the southeast states, and the only reason we're not  
5 part of it is because of bureaucratic boundaries of  
6 federal agencies; otherwise, we would be part of it.

7 And we were -- I think we were going to at  
8 least just -- I mean, they are just beginning their  
9 study, but just reference the fact that we have it and  
10 summarize what they plan to do. Is that impossible?

11 DR. WADE: Bernie?

12 DR. BERNIE LEWIS: I mentioned that I held a  
13 couple of things back to run by the Committee. This  
14 section I -- there were a couple of things. There  
15 is -- I have a brief couple-of-paragraphs summary on  
16 that -- the southern forest assessment.

17 But there was also another thing that I at  
18 least put together that was brought to my attention  
19 and I thought the Committee should consider, and that  
20 is we don't have in this report a summary description  
21 of the Missouri Department of Conservation Internal  
22 Draft Report. It's used quite a bit throughout the --  
23 the facts, but the fact that it exists and its  
24 conclusions and recommendations, you would think,  
25 would be pretty -- of interest to the Committee.

1                   So, again, I don't know. It was of interest  
2 to the Governor, anyway, and this is for the Governor.

3                   MR. DAY: Obviously.

4                   DR. BERNIE LEWIS: So --

5                   DR. WADE: Before you get to that, do you  
6 have the two paragraph summaries?

7                   DR. BERNIE LEWIS: I do have. It's on the  
8 same document.

9                   DR. WADE: On the same document.

10                  DR. BERNIE LEWIS: So what I did, and this  
11 was just for you to review, was have a couple of  
12 paragraphs identifying the internal report but mainly  
13 a table that just took the recommendations and the  
14 conclusions and put -- so that -- and the only place  
15 it really logically fits in the report is at the end  
16 here with other studies, so you may or may not want --  
17 you know, want that, but I at least --

18                  SENATOR CHILDERS: I would think if we put  
19 it in, it needs to be specified that that was never  
20 actually accepted by the Department of Conservation,  
21 that it was a draft -- make sure that's real clear  
22 because I think that's important.

23                  DR. WADE: Do you want to pass that around,  
24 Bernie?

25                  DR. BERNIE LEWIS: Yes. You can take a look

1 at what I put together. And the southern assessment  
2 paragraphs are right after that.

3 DR. WADE: Bernie, would this completely  
4 replace what's here?

5 DR. BERNIE LEWIS: No, that wouldn't replace  
6 anything. That would have to go into this section and  
7 the title would need to be changed from just "Other  
8 States" to other studies or an earlier, whichever --  
9 how did I have -- a Missouri Study and Experience.

10 MR. DAY: It would go under --

11 DR. WADE: Okay. This section would then  
12 become headed "Chip mills, a Missouri Study, and  
13 Experiences in Other States."

14 MR. BEDAN: Well, you could create another  
15 section, Section H.

16 DR. WADE: It would be probably cleaner to  
17 do Section H.

18 MR. BEDAN: Then you would have -- you would  
19 have other states and you would have other reports in  
20 Missouri. It would be clearer, I think.

21 DR. BERNIE LEWIS: But there is only one on  
22 chip mills.

23 MR. BEDAN: The additional resource or  
24 something, whatever.

25 MR. DAY: The reason we're still here.

1                   Can we note of the recommendations which  
2   ones are already in place?  If I remember right, some  
3   are, several.

4                   DR. BERNIE LEWIS:  But I don't know -- well,  
5   we do --

6                   SENATOR CHILDERS:  There is also on -- what  
7   would it be, one, two, three -- no, Page 4 of the --  
8   of the report that Bernie just handed out, there is --  
9   something on the Southern Forest Resource Assessment  
10  is mentioned, so there are several things in this  
11  portion that go into this, too, that all fit together.

12                  I see what you're saying with that.  There  
13  is something on the Tennessee Valley Authority, I see  
14  here, too.

15                  MR. BEDAN:  Yeah, I would put that Southern  
16  Resource Assessment paragraph in this section because  
17  that's when we're talking about other states.  It's a  
18  federal study, but it's about other states.

19                  DR. BERNIE LEWIS:  I see.

20                  MR. BEDAN:  And the other states are  
21  cooperating with that.

22                  DR. WADE:  Okay.

23                  DR. BERNIE LEWIS:  So are you saying a  
24  separate section for the MDC?

25                  DR. WADE:  A Section H for the MDC, yeah.



1                   Okay. We will do that. We will work with  
2 this later to get that built in over the next couple  
3 of days.

4                   Yes, Mark.

5                   MR. GARNETT: On 107 it references the --  
6 oh, I see it. Okay. I was looking for the table.  
7 It's below there.

8                   DR. WADE: Okay. Let me summarize where we  
9 are, and see if we're ready to move on.

10                  We will add the material that Bernie has  
11 added that's in this handout to this section. We will  
12 create a Section H, which will be Missouri Department  
13 of Conservation study, the internal draft report on  
14 chip mills.

15                  MR. CONLEY: Hey, Jerry, I got one small  
16 point, but on Page 106 --

17                  DR. WADE: Yeah.

18                  MR. CONLEY: -- down at the bottom, the last  
19 paragraph, the wording needs to be changed a little  
20 bit. Hardwood chip mill export -- hardwood chip  
21 export mills represent a very small segment of the  
22 Arkansas wood industry that was established in 1995.  
23 The Arkansas wood industry wasn't established in '95.  
24 The hardwood chip mill --

25                  DR. WADE: The hardwood chip export mill,

1 established in --

2 MR. CONLEY: In 1995.

3 DR. WADE: -- in 1995.

4 MR. CONLEY: Yeah. It just catches your eye

5 when you look through it.

6 DR. WADE: Yes.

7 DR. BERNIE LEWIS: Where are we?

8 DR. WADE: Okay. On Page 106, that should

9 read, "Hardwood chip export mills, established in

10 1995, represent a minor segment of the Arkansas wood

11 industry."

12 DR. BERNIE LEWIS: Oh, I see, because we're

13 saying the whole industry was established.

14 DR. WADE: Okay. Corrected, that should be

15 established in Arkansas in 1995, because the hardwood

16 chip export mills were established well before that.

17 Okay. Yes, Mark.

18 MR. GARNETT: We're referencing quite a bit

19 on this North Carolina study. I think there is an

20 executive summary on that, isn't there, Bernie, or

21 not?

22 DR. BERNIE LEWIS: North Carolina, not that

23 I know of.

24 SENATOR CHILDERS: You need to delete that

25 last part.

1 MS. ELLEN DAVENPORT: Which part?

2 SENATOR CHILDERS: Established in 1995.

3 MS. LLONA WEISS: I have right here -- Cory

4 Ridenhour gave me right before the meeting a copy of

5 North Carolina Chip Mill Brief Executive Summary.

6 It's a Brief Executive Summary of preliminary study

7 results. Now, I haven't had a chance to copy it. I

8 was just given it.

9 DR. BERNIE LEWIS: I wasn't aware of that.

10 MR. GARNETT: I think we need to incorporate

11 that in the -- that narrative here, since we've

12 already talked about it.

13 DR. BERNIE LEWIS: When was that dated?

14 MS. LLONA WEISS: I just got it.

15 DR. BERNIE LEWIS: No. I was told --

16 MS. LLONA WEISS: The date on this from

17 North Carolina says January 18, 2000. I think that

18 was before they had their public hearing, and the last

19 I was informed, they are not prepared to put out their

20 report until June of 2000. That's the last I've

21 heard. So I -- I asked how they could do an Executive

22 Summary before they had their report done.

23 But I was going to get this copied and

24 handed out to --

25 MR. Day: Maybe that's the Final Draft

1 Executive Summary Report.

2 MS. LLONA WEISS: I was going to get this  
3 copied and then send it out to the Committee members,  
4 but I just received this.

5 DR. WADE: There -- is there a problem  
6 incorporating an unofficial draft executive summary?

7 MR. GARNETT: We already did that in the MDC  
8 draft, so I don't see what the difference is.

9 SENATOR CHILDERS: Just say "draft" and put  
10 it in as a draft.

11 DR. WADE: Bernie?

12 DR. BERNIE LEWIS: I think that was material  
13 that Fred Cubbage, who is in charge of the study, sent  
14 me that I used in this, in this description, because  
15 when I talked to him, he said it would be June --  
16 about a month ago, it would be June before the final  
17 approved report, but I -- I don't know that I cited it  
18 as the document with that name in the draft.

19 DR. WADE: What -- we need to take a look  
20 and probably just add a citation. If all of the  
21 material is already adequately incorporated, is it  
22 okay --

23 MR. GARNETT: It's not. It's not, really.  
24 This is new information.

25 DR. BERNIE LEWIS: Is there?

1           MR. GARNETT: Oh, yeah.

2           DR. WADE: Okay. Well, we will go ahead and

3 build it in and come back and work with it, if that's

4 okay with the Committee then.

5           MR. GARNETT: Okay.

6           DR. WADE: Okay. Anything else?

7           MR. DAY: Yes. Did we decide on the MDC

8 report, their recommendations, noting what ones are

9 already in effect? Did we decide if we could do that

10 or not, just so that we will --

11          DR. WADE: We will.

12          MR. DAY: Okay. Thank you.

13          DR. WADE: Okay. Any more on Section F or G

14 or H? Going once? Going twice?

15          (No response.)

16          DR. WADE: Section III, No. 1, Environmental

17 Sustainability, Pages 112 to 115.

18          Yes, Jay.

19          MR. LAW: On Page 113, "Environmental

20 Sustainability," this is pretty much just wording.

21 The first paragraph, the first sentence, "The

22 Committee agrees that the sustainability of all forest

23 resources is critical and can be influenced for better

24 or for worse by the" -- and I would take out "kinds of

25 management practices," because they aren't management

1 practices -- they concern as much -- "by the practices  
2 conducted in the state's forested lands."  
3 DR. WADE: Okay. Could you read that again?  
4 MR. LAW: Okay. I would suggest, first, to  
5 take out there where you say, "The committee agrees  
6 that," and then put in "the."  
7 DR. WADE: Read how you would have it read  
8 and make sure the Committee agrees.  
9 MR. LAW: "The Committee agrees that the  
10 sustainability of all forest resources is critical and  
11 can be influenced for better or for worse by the kinds  
12 of practices conducted in the state's forested lands."  
13 DR. WADE: Okay. Is that rewording  
14 generally acceptable? Let's just hand that to her, if  
15 Sarah can hand it across.  
16 MS. ELLEN DAVENPORT: Thank you.  
17 DR. WADE: Okay. While she's making that  
18 change, I think I had a hand over here (indicated).  
19 David?  
20 MR. DAY: No, not me.  
21 DR. WADE: Yeah, David Bedan.  
22 MR. BEDAN: Pardon?  
23 DR. WADE: You had your hand up?  
24 MR. BEDAN: I'm just resting here.  
25 DR. WADE: Okay. Any other -- any other --

1                   Why don't you read it?

2                   Are you okay with --

3                   MS. ELLEN DAVENPORT: I think so.

4                   SENATOR CHILDERS: We need the word "the" up

5 there -- yeah.

6                   DR. WADE: Okay. While she's finishing

7 rewriting the first sentence, is there anything else

8 in this section?

9                   MR. BEDAN: This is basically what we voted

10 on the last time word for word?

11                   DR. WADE: Yes, word for word.

12                   MR. DAY: Let's see. We're in --

13                   DR. WADE: We're in "Environmental

14 Sustainability," pages -- and the Introduction,

15 Pages 112 to 115.

16                   MR. DAY: Okay. On "Ensuring Best

17 Management Practices," just a clarification, I guess,

18 for me.

19                   If I remember right, Jay, this was your

20 part. "The use of best management practices is

21 voluntary except when a landowner" --

22                   MR. LAW: Right.

23                   MR. DAY: Was that permit something that has

24 to be -- I mean, I guess I'm asking -- I don't

25 remember our whole discussion.

1                   Was that a permit that has to be approved,  
2   or was that more or less a notification saying, you  
3   know, you've got to get a permit, but it's not going  
4   to be denied.

5                   MR. LAW:   Yeah, you have to get a permit.

6                   MR. DAY:   Okay.   And I don't -- I guess,  
7   again, not necessarily wanting to change the wording,  
8   but for my clarification, is that something that could  
9   be denied, or is that so things could be checked?

10                  MR. LAW:   They need to have a permit.   If  
11   they are going do that, you need to have a permit.

12                  DR. WADE:   Okay.   Mark?

13                  MR. GARNETT:   What -- what -- I'd like kind  
14   of a -- a point of reference from the Senator and  
15   Representative.   What will the Legislature do when  
16   they get some wording like this?   What will happen?   I  
17   mean --

18                  SENATOR CHILDERS:   Well, for most  
19   Legislators, it's going to be the readability factor  
20   that's real important.   If you've used a lot of terms  
21   they're not familiar with, most of them are not going  
22   to spend a lot of time on it.

23                  MR. GARNETT:   So, if, for example, MDC is in  
24   favor of it, or someone else, at that point they will  
25   go ahead with it?   That will occur?   Is that a fair



1 assessment?

2 SENATOR CHILDERS: That's probably fair.

3 They will at least listen to that. They may not

4 follow it, but they'll listen to it.

5 MR. GARNETT: Okay.

6 DR. WADE: Okay. Have we about got it?

7 MS. ELLEN DAVENPORT: I think.

8 DR. WADE: Okay. "The Committee agrees" --

9 that first word, the "D" needs to be changed to an

10 "S".

11 MS. ELLEN DAVENPORT: Okay.

12 DR. WADE: -- that sustainability is

13 critical to --

14 MR. LAW: To.

15 DR. WADE: -- all forest resources and can

16 be influenced for better or worse by the practices

17 conducted in the state."

18 Are there any other -- anything else on this

19 section?

20 MR. DAY: I want to go back, if I could, and

21 ask Jay on the permit -- on the permit issue I was

22 asking about -- I'm not asking to change anything,

23 because we did vote on it. I'm just asking for my own

24 clarification, or --

25 DR. WADE: Okay.

1           MR. DAY:  -- or do you want to finish this?

2           DR. WADE:  Yeah.  That's another discussion.

3           MR. DAY:  Okay.

4           DR. WADE:  Yes, Mark.

5           MR. GARNETT:  I really don't care if I'm in

6 the minority.  I have been some of the time, as we all

7 know, but some of the terms in the -- in the section

8 under "Ensuring Best Management Practices," I think we

9 need to define them.  I think we need to have Jay

10 define them.

11           It's -- I don't understand, for example,

12 what "contiguous" means.  Does that mean it has four

13 trees between two clear-cuts, Jay, or two acres

14 between two clear-cuts?

15           MR. LAW:  That's "continuous."

16           DR. WADE:  That's an issue that's different

17 than we are dealing with right now.  We're addressing

18 the question of the content of the decision, and this

19 may be critical, but I think the Committee has to

20 decide how it's going to deal with that but in another

21 context than this one.

22           MR. GARNETT:  One other issue then before we

23 get off of this.

24           I would like to see the wording of this that

25 we voted on on the -- with the sheet, because I don't

1 remember "riparian areas" being in there.

2 DR. WADE: This is taken exactly from --

3 this is taken precisely --

4 MR. LAW: That's the Introduction. We took

5 out requiring a permit for riparian areas.

6 MR. GARNETT: Well, a point of order of what

7 we voted on, and then I'll quit.

8 We have talked about large clear-cuts here,

9 but we haven't talked at all about riparian areas,

10 Jay, in the recommendation here. Was that -- was that

11 your intent or not your intent?

12 MR. LAW: My intent was -- I guess we agreed

13 that we would take out a permit requirement for

14 riparian areas. This is just an Introduction --

15 introductory paragraph.

16 MR. GARNETT: But it does not say that in

17 the -- in the recommendation, is my point. That's

18 just what I'm saying.

19 It says that if we remove 50 percent or more

20 of the forest cover on 40 acres that we have to have a

21 permit. It doesn't say we have to have a permit in

22 riparian areas.

23 MR. LAW: Right. We took that out. It

24 just -- it says, The use of best management practices

25 is voluntary except when a landowner, trustee, timber

1 deed holder or assignee plan to remove 50 percent or  
2 more of the forest cover (measured by trees five  
3 inches in diameter or larger, four and a half feet in  
4 height) on more than 40 continuous (sic) acres of land  
5 within one year within the Ozark regions.

6 MR. GARNETT: Okay. You don't -- you  
7 don't --

8 MR. LAW: That's where you need a permit.

9 MR. GARNETT: -- intend by this to have a  
10 permit for all timber harvests in riparian areas; is  
11 that correct?

12 MR. LAW: Right.

13 MR. GARNETT: It's just 40-acre tracks or  
14 more?

15 MR. LAW: Just where you have to have it.

16 DR. WADE: Is there anything else on this  
17 section?

18 Yes.

19 MR. MAHFOOD: I want to make -- you know,  
20 there's other questions -- as I've been listening to  
21 some of the issues that have been coming up, I think  
22 for people that are here and not here, I know we  
23 had -- it's not where Mark was going. It's just me  
24 thinking out loud here that -- if there's issues  
25 that -- still some lingering issues over some of the

1 things that have happened here that were voted on,  
2 don't forget, we still have to vote -- this is a draft  
3 report, so we'll still have -- you know, we'll still  
4 have that last meeting when we get public comment,  
5 because I'm sure people will be commenting about some  
6 of these issues that all of us have brought up today.

7 So there will be a -- and I appreciate  
8 your -- you are asking some good questions, but --

9 MR. GARNETT: My problem with the wording  
10 right now is not that -- I voted against it and I can  
11 live with that. That's not my problem.

12 My problem is -- is if it is what we  
13 intended to vote on or is it not? That's my -- my  
14 question.

15 And it says riparian areas, we're concerned  
16 about it, but it does not say we have to have a permit  
17 for harvesting in the riparian areas.

18 MR. LAW: You don't.

19 MR. GARNETT: Okay.

20 MR. LAW: That was taken out. I had it in  
21 initially and I was going to -- as an old forester I  
22 have a little trouble with people running through your  
23 riparian areas, but I think it was taken out because  
24 they were worried about somebody taking out a little  
25 bit of brush, so we took it out.

1                   I just think we ought to show more  
2   consideration for our live streams and our watersheds,  
3   but some people have problems with that, I guess.

4                   MR. GARNETT: I agree with that, Jay. The  
5   problem is, we don't define "riparian" either. That's  
6   the problem.

7                   MR. LAW: Well, it's just an introductory --  
8   "It is the purpose of this act to include best  
9   management practices will be carried out within the  
10   sensitive portions of riparian areas where the forest  
11   cover is to be greatly reduced on sizable areas of  
12   land to protect water quality, especially in the karst  
13   topography of the Ozark Region where soils are  
14   inherently low in fertility and the landscape is more  
15   dissected."

16                  Now, that is just an introductory, that  
17   that's our concern. And then what we came up with was  
18   this thing with 40 contiguous acres and the  
19   "continuous" was put in because it wasn't there now,  
20   but they wanted to know if somebody was going to cut  
21   just 40 acres, if that was it, or 39, or something  
22   like that, did they have to get it, and I think it was  
23   Mr. Driskill that put that in there, or suggested  
24   that.

25                  DR. WADE: These are substantive issues that

1 will have to be dealt with at the next meeting that  
2 are not within the context of task that we are doing  
3 now. Can we come back to the task of the wordsmithing  
4 and the correcting?

5 Are there any others on this?

6 David.

7 MR. DAY: I guess I'm confused if my issue  
8 needs to be brought up now or not. You say we are not  
9 in that area but yet we're talking about that area.

10 My question to Jay was, on the permit issue,  
11 was your intent -- and I know I should have asked this  
12 at the last meeting, and I apologize, or maybe I did  
13 and got an answer and I didn't get it. I don't  
14 remember.

15 If I -- I guess I -- if I go out and apply  
16 for that permit, does MDC have the authority, in your  
17 opinion, whenever you proposed this, to say, No, you  
18 can't have it, or is it, yes, you can have it and we  
19 have access to your land to come check it?

20 MR. LAW: It was -- I thought it would be  
21 one that they would just issue you a permit if you  
22 need a permit.

23 MR. DAY: Okay. Because whenever I read  
24 this --

25 MR. LAW: Yeah.

1                   MR. DAY: Whenever I read this, I guess I'm  
2 a little gray in the sense of, you know, do they have  
3 the authority to say, No, you can't harvest that, or,  
4 Yes, you can harvest it, but we're going to come  
5 check.

6                   MR. LAW: I don't think so. You just need a  
7 permit. And certainly --

8                   MR. DAY: And I'm wondering, does that need  
9 to be clarified before we --

10                  MR. LAW: And before -- I think before --  
11 you know, I don't think somebody has got to go through  
12 this, but it's going to have to go to somebody in the  
13 Legislature, I think, that's going to write some words  
14 for that.

15                  You know, when I put in there "penalties,"  
16 nobody wanted penalties. We took out "penalties."  
17 This is just a barebone thing. A permit. You are  
18 required. Your requirement is to get the permit. If  
19 they never check you and you don't do it, so what.

20                  MR. BEDAN: Jay, what's the point of getting  
21 a permit?

22                  MR. LAW: The permit is that it will require  
23 them to at least have direct contact with somebody.  
24 The permit will specify in there what the best  
25 management practices are that they should be abiding



1 by.

2 And, as I say, I went on with some sort of a  
3 fine type of thing to -- if you don't abide by it. I  
4 think you would have to write that.

5 MR. DAY: I guess I'm not asking my question  
6 right.

7 MR. LAW: You'll get the permit.

8 MR. DAY: Okay. That's what I'm asking.

9 MR. LAW: Yeah.

10 MR. DAY: But I'm saying, do we need to look  
11 at the wording of this so the reader will understand  
12 that you will get the permit.

13 MR. BEDAN: That's not what I understood  
14 when I voted on it.

15 MR. SMITH: The vote was taken.

16 MR. DAY: I think there is some gray areas  
17 here.

18 MR. BEDAN: I think the concept of the  
19 permit is that you can issue it or not issue it.  
20 That's inherent in the concept of a permit.

21 DR. WADE: Steve?

22 MR. MAHFOOD: I mean, I hate to harp.  
23 Again, whether anybody agrees on this issue or not, to  
24 bring up a valid issue that I think in the way we  
25 discussed or rolled this out, I think that ought to

1 be -- I don't mean to tell you your business, but I  
2 think that ought to be a comment that you make in our  
3 comment period, so when we come back and when we come  
4 to the final draft that we can consider.

5 That's exactly what we need to be telling  
6 the Committee, whatever we feel about these kind of  
7 issues so that when we come to that final meeting that  
8 we address issues like this. But I've got -- frankly,  
9 I've got a whole bunch of them in here that I'm unsure  
10 of now and need clarification, but I'm going to make  
11 them in my comments, and then I get it out into the  
12 public and out to all of you.

13 MR. DAY: I don't have a problem with that.

14 DR. WADE: The reason -- the reason that  
15 it's -- the reason we can't deal with it now is it  
16 would change the meaning of what you voted, and  
17 that's -- and we're not doing that today.

18 Jay, you had a wordsmith here?

19 MR. LAW: Yes. On that same item, as we  
20 come down through that, that's Paragraph -- the one,  
21 two, three, four, the fifth paragraph, I think because  
22 things were shifted around and they didn't keep the  
23 words exactly as they were, on that first sentence,  
24 the BMPs are required under the above paragraph.

25 MR. BEDAN: Where are you at? I'm sorry.

1 DR. WADE: In the paragraph that begins, "A  
2 Missouri Timber Harvest Permit," and that should say  
3 are required -- say that again, Jay.

4 MR. LAW: Say, "are required under the above  
5 paragraph."

6 MR. GARNETT: Where is that, Jay? I'm lost.

7 MR. LAW: It's on that -- in that "Ensuring  
8 Best Management," one, two, three, four, five --  
9 Paragraph 5. It's on Page 114. We have Paragraph 2  
10 above, but I don't know --

11 MR. DAY: I'm sorry. Could you repeat what  
12 you're suggesting?

13 MR. LAW: I'm just saying, rather than  
14 referring to Paragraph 2 above, which I think at this  
15 point doesn't mean anything -- it meant something when  
16 it was all in the context I had -- and just say "in  
17 the paragraph above," which is the one up there.

18 MR. DAY: "In the above paragraph."

19 DR. WADE: Yeah. Okay.

20 Are there any others on this?

21 Yes, Jay.

22 MR. LAW: On Page 115 under "other."

23 DR. WADE: Yes.

24 MR. LAW: Okay. Are there other --

25 Companies are encouraged to use the sustainable forest

1 incentives, and I would suggest SFI be put in brackets  
2 because that's what we know.

3 DR. WADE: There. Okay. In parentheses,  
4 SFI.

5 Jay.

6 MR. LAW: And I think they call it a  
7 program. I believe that's the correct -- or  
8 initiative program, I think. I think that's the  
9 correct terminology.

10 DR. WADE: This is what was -- yeah.

11 MR. LAW: SFI, we mentioned that in other  
12 places.

13 DR. WADE: Okay. Yes.

14 MR. LAW: Another on Page 117.

15 DR. WADE: Okay. Just a minute. Is there  
16 anything -- any more on -- on the "Environmental  
17 Sustainability"?

18 (No response.)

19 DR. WADE: Okay. "Education, training, and  
20 Professional Management," Page 115 and 116.

21 MR. LAW: Right. Under the  
22 "Recommendations," one, two, three, four -- the fifth  
23 paragraph down there, "Establish an evaluation project  
24 to analyze forest landowner education efforts" --

25 DR. WADE: I'm not with you.

1 MS. ELLEN DAVENPORT: You're on Page 117.  
2 DR. WADE: Nothing under, "Education,  
3 Training, and Professional Management"?  
4 (No response.)  
5 DR. WADE: And then under "Sustainable  
6 Economic and Social Impact," there is where you have  
7 yours, Jay.  
8 MR. LAW: Okay.  
9 DR. WADE: "Establish an evaluation  
10 project . . ."  
11 MR. LAW: Right. Okay. I would like to  
12 suggest that that be put under II, which is Education.  
13 MR. MAHFOOD: Is this what we --  
14 DR. WADE: It was passed here. This is  
15 where it was passed.  
16 MR. LAW: Yeah. Okay. Well, it seems like  
17 we're talking about education.  
18 DR. WADE: Hold that, and that change can be  
19 addressed in the last meeting.  
20 MR. MAHFOOD: Yes.  
21 DR. WADE: Anything else?  
22 MR. LAW: There is -- there is a typo on the  
23 same page, 117.  
24 DR. WADE: Yes.  
25 MR. LAW: Okay. One, two, three, four,

1 five, six, seven -- eight down there, ". . . companies  
2 need to local . . ." I think that's "locate."

3 MS. ELLEN DAVENPORT: What's the beginning  
4 of the paragraph?

5 MR. LAW: "The Missouri Department of  
6 Economic Development should make special efforts,  
7 working cooperatively with other agencies, to help  
8 small to mid-sized value-added forest products  
9 companies to . . ." it should be, I think, "locate."

10 DR. WADE: Oh, "t-e" instead of --

11 MR. LAW: Yes. And it might be saying "or  
12 expand," which I think the intent was to say or expand  
13 existing facilities. I think that's what it was.

14 MR. MAHFOOD: That would be more --

15 MS. LLONA WEISS: The exact wording on what  
16 you voted on is in the appendix.

17 MR. DAY: I was going to say, if we can't  
18 change my permitting thing, then --

19 MR. LAW: That's all right.

20 MR. MAHFOOD: But, Jay, we need to hold that  
21 for the next --

22 MR. LAW: Or expand in Missouri. I just  
23 thought that was --

24 DR. WADE: All right. Are there any others  
25 on --

1           The last section then is J.

2           MR. LAW:   Okay.   Point of clarification

3   under Page 118, "Recommendations."

4           DR. WADE:   Yes.

5           MR. LAW:   Included -- "Encourage producers."

6   We don't say what kind of producers.   I'm assuming it

7   would be timberland producers or wood industry

8   producers.   What kind of producers are they?

9           MR. DAY:   I would think, since we're talking

10   about forestry and timber, most people would be able

11   to --

12           MR. LAW:   Landowners.

13           MR. DAY:   -- figure out we're not talking

14   about cattle.

15           DR. WADE:   A change in the wording of this

16   we'll need to hold.

17           MR. LAW:   Okay.   I didn't know.

18           MR. DAY:   I mean, I personally don't have a

19   problem with putting the word "timber owner," or

20   whatever, but I would think that most people would

21   know what we're talking about, timber.

22           MR. LAW:   Okay.   Then I guess if we pass

23   these, "Special funding" down under "Recommendations,"

24   E, "Other" --

25           DR. WADE:   Yeah.

1                   MR. LAW:  -- I guess I don't know why that  
2   couldn't be put up in the III, other than this is  
3   where we passed it, I suppose.

4                   DR. WADE:  Yes.  Yes.

5                   MR. LAW:  And my good friend and your  
6   neighbor, David, I don't know why the second one  
7   there, "This Committee believes property rights must  
8   be protected . . ." shouldn't be put up in the first  
9   part of the actions.

10                  MR. DAY:  That was -- the intent was for  
11   that to be put somewhere near the beginning of the  
12   report, the Introduction or something like that.

13                  MR. LAW:  It makes more sense rather than an  
14   afterthought.

15                  MR. DAY:  That was my intent, but I don't --  
16   I also am not in charge of placing it, because I'm  
17   not -- I'm not that well versed in this.

18                  MR. MAHFOOD:  Well, it still -- David, that  
19   is still another -- hold that and make that comment,  
20   because I agree with you.  I think that was the  
21   intent.

22                  MR. DAY:  That was my intent whenever we  
23   passed it, but, evidently, I didn't make that clear.

24                  DR. WADE:  Yeah.  And we were at the end of  
25   a very long two days.



1           MR. DAY: We were getting pretty grumpy,  
2 too.  
3           DR. WADE: Everybody was getting grumpy.  
4           Yes, Jon.  
5           MR. SMITH: I guess I need a little  
6 clarification on how we are going to proceed with this  
7 and the comments and all of that, and maybe you're  
8 going to address that.  
9           DR. WADE: I think Steve -- Steve will.  
10          MR. SMITH: But it was my understanding that  
11 we have wordsmithed this now, and we're done with that  
12 portion of it, and then we will make comments on the  
13 Final Report, and then we'll make changes at that  
14 meeting also in the wording.  
15          MR. MAHFOOD: What -- here is what I'm --  
16 here is what we have agreed to in principle up to this  
17 point, was that we would go out with this -- what we  
18 have here for public hearing. We need to figure out a  
19 date for a public hearing, or at least a few of us can  
20 be there. It would be great if we could all be there,  
21 but I know it's going to be near impossible.  
22          Have a public hearing, have a normal 30-day  
23 hearing period, and, then, as we agreed, come back in  
24 July, and given the public comments, our own comments  
25 and suggestions, make the final blessing on the Final

1 Report, which, theoretically, could be exactly like we  
2 finished it today. It could be exactly the same,  
3 unchanged, or it could have a lot of the issues  
4 that -- that many of us have brought up today.

5 MR. SMITH: Well, I guess my question is,  
6 will it be an up-or-down vote on the final report, or  
7 will we at that time go in and open all of these  
8 things up we voted on to change at that time?

9 MR. MAHFOOD: Two answers. The first one  
10 is, I would recommend that we not do that, and I don't  
11 think that that was our intent. But do we have --  
12 will we be able to make changes to the things that we  
13 voted on previously, make adjustments? Of course.  
14 And if you-all decided that you wanted to go back to  
15 "go" with this report, I don't think that's the --  
16 what I'm hearing from everybody, but I guess that's  
17 possible.

18 But from a time schedule and from what we  
19 talked about our intent was, is to get public comment,  
20 and if that public comment had some validity to it,  
21 get it out to you in a timely fashion so that you  
22 could look at that, compare it with the report, and if  
23 there is any additional changes that you decide to  
24 make either from comments that any of us would make or  
25 the public, that we would make them at the last

1 meeting.

2 But I, as a member, gosh, there is a lot of  
3 things I -- you know, I personally didn't get in this,  
4 but am I going to try to open this back up or  
5 something, I'm not going there, you know, at that last  
6 meeting, but, you know, stranger things have happened.  
7 And if it's the desire of the Committee to go back and  
8 relook at something, I have to say that I -- you know,  
9 I'm the -- I'm not directing it in any other  
10 direction. That's the Committee's decision to do  
11 that. And that is part of what of -- it's a good  
12 segue right now is to talk about this and what are the  
13 thoughts or -- that anybody has.

14 MR. CONLEY: It looks like we have -- we  
15 have to talk a little bit about the procedure whereby  
16 we reopen a question. I mean, only if the  
17 Committee -- if I -- if I hear public comment, I mean,  
18 there is -- if we're going to pay attention to public  
19 comment, if I hear it, then I ought to be free to come  
20 back to the Committee and say, I changed my mind. I  
21 want to --

22 MR. MAHFOOD: Sure.

23 MR. CONLEY: -- have this worded  
24 differently.

25 At that stage if a majority of the Committee

1 agrees to relook at that, then great. If they don't,  
2 then that's the way life is at that stage.

3 MR. MAHFOOD: I agree, Jerry.

4 MR. CONLEY: As long as we have that option  
5 to try to persuade our fellow Committee members that  
6 we would like to make a change -- now, I don't know  
7 what you would do if you've changed your mind on a  
8 vote and the Committee says, Well, I'm not -- we're  
9 not willing to reopen that question to allow you to  
10 change your mind on the vote. I mean, that's  
11 something we might have to talk about a little bit  
12 just to see what we're going to do procedure-wise.

13 MR. DAY: Majority rules.

14 MR. MAHFOOD: Go ahead, Dave. Dave.

15 MR. DAY: If I could, first off, you said if  
16 there is any validity to the portion of the public  
17 comments, and I would suggest you send it all out  
18 because I wouldn't want the public to think any -- I'm  
19 joking.

20 MR. MAHFOOD: Oh, no.

21 MR. DAY: Under E under "Recommendation,"  
22 since I think we might be able to do this by common  
23 consent since it doesn't change the meaning of  
24 anything, could we go ahead and move the "It is  
25 paramount" to the beginning just because it would make

1 more sense, I think, than it being where it is? I  
2 mean, is that something that can be done, or -- that  
3 doesn't change the meaning of anything. It's simply  
4 moving it from one section to another. Does anybody  
5 have a problem with that?

6 MR. MAHFOOD: I'm not quite sure how I --  
7 ask the Committee.

8 SENATOR CHILDERS: Where did you see it,  
9 Dave?

10 MR. DAY: Well, I guess I envisioned it  
11 being in the Introduction part of the report whenever  
12 I put it together, and then we all made some changes  
13 to it.

14 And I'm just saying, before it goes out to  
15 the public, maybe it would make more sense there. It  
16 doesn't change the meaning of anything, but I didn't  
17 envision it being back here. I guess I'm asking the  
18 Committee, or whoever, if they would have a problem  
19 with doing that by common consent?

20 SENATOR CHILDERS: I suspect that that would  
21 be a wise thought if we're going to look at anything  
22 dealing with legislation. I think that's a very  
23 important statement. Probably, if you look at the  
24 membership of this Committee, it carries a lot of  
25 force on the Committee, and I suspect that we do that

1     legislatively.

2                 Jerry may have a different perspective on  
3     it, but that's just my thought, that putting that in  
4     there that this was considered up front, I think, is  
5     important. I don't know what your thought is.

6                 MR. DAY: I guess my thought is, whenever we  
7     did discuss it, I thought I had made that clear and  
8     maybe I didn't. If not, that's my fault.

9                 MR. MAHFOOD: My only thought is, and just  
10    looking around at everybody, does that lead us down a  
11    slippery slope of, does somebody else have something  
12    else that they -- I'm not -- I don't disagree with  
13    you.

14                Just as we -- we did it at the end. We did  
15    it at the very last thing we did, and it kind of fell  
16    out in order as far as -- as "Other." And if it got  
17    moved, to me it would almost be in a different  
18    context. It wouldn't be a recommendation. It would  
19    be a statement in the front of the -- which I don't  
20    think it unacceptable. I think that's very  
21    acceptable, but the people that aren't here, I'm a  
22    little leery, not -- and that's not personal.

23                MR. DAY: No, no, no.

24                MR. MAHFOOD: I'm a little leery of moving  
25    that up --

1           MR. DAY: I would like to think nothing  
2 around this table is personal.

3           MR. MAHFOOD: I think -- I think it's a  
4 statement that ought to be incorporated into the  
5 Introduction, and that would be a comment that I would  
6 be more than willing to support as -- in this comment  
7 period in the Final Report that it's up in the -- up  
8 in the front, but I'm just --

9           MR. DAY: Let me see if I can look through  
10 here and strengthen my argument, because I thought  
11 that I had made that clear when I did that, and maybe  
12 I didn't.

13           MR. MAHFOOD: I have to admit, I don't  
14 remember all of that discussion.

15           MR. DAY: I was going to say, to me, it's  
16 not a recommendation. It is a statement, if you read  
17 it, but I also don't want to -- I don't want to go  
18 down that slippery slope at all.

19           MR. BEDAN: By leaving it where it is, it  
20 does indicate that it's one of those issue we had a  
21 formal recorded vote on all of these issues.

22           DR. WADE: Which we did.

23           MR. MAHFOOD: In fact, can you -- if  
24 somebody is quicker than I am, we do have the -- what  
25 we voted on in the back here. Is that what you're

1 looking at?

2 MR. DAY: No. I'm looking at the text of

3 our last meeting, the minutes, right --

4 MR. BEDAN: The transcript.

5 MR. DAY: -- to see if I say where I wanted

6 it, and then I'll jump and up and down and scream and

7 be happy.

8 DR. WADE: While you're looking there, did

9 you have another comment, Jay?

10 MR. LAW: Well, let me see. Oh, I was just

11 going to suggest that I think that we have to keep in

12 mind, this is our second draft at it. We've been at

13 this an awful long time. We've been very open and

14 interactive.

15 But to me the strength of re-- going back

16 and looking at particular issues to me is going to be

17 based on the type of public comment we get, rather

18 than whether I change my mind. I think this is what

19 we need to deal with now, or new information. I think

20 those are the two things you always look at, either

21 new information on the subject or the public comment.

22 And I think those are what get us to look at our

23 final. But if I decided I voted wrong or didn't get

24 my way, I'm not going to open things up.

25 DR. WADE: Doyle?



1                   SENATOR CHILDERS: A thought on it, when we  
2 go back to suggestions and everything in our next  
3 meeting in July, we might actually want to give that  
4 some prominence -- the recommendations some prominence  
5 in our directory or in our index, or whatever you want  
6 to call it, of the issues. That way that gives it the  
7 prominence without having to actually move it around.

8                   MR. LAW: Right. Yeah.

9                   MR. BRYAN: Jerry, I hate to --

10                  DR. WADE:

11                  MR. BRYAN: If you were going to talk about  
12 this, go right ahead. I was going to go to something  
13 else.

14                  DR. WADE: No. I think we need to turn to  
15 the Chair now. I'm out of this.

16                  MR. BRYAN: I just wanted to -- something  
17 that kind of chaps me as a lawyer, when I look back on  
18 Page 99, we talk about that "an unreasonable  
19 interference in the use and enjoyment of an interest  
20 in land -- a concept still enforced today," and then  
21 we cite the National Research Council of 1998.

22                  As a Missouri lawyer, I know there are  
23 Missouri cases and reports where the citizens of this  
24 state have nuisances dealt with by the courts  
25 regularly. And I'm a lawyer. I'm getting paid to be

1 here. I would like my contribution to the report to  
2 be that I look up a couple of cases that are specific  
3 to Missouri that we can put in the footnote here.  
4 Instead of citing the National Research Council, we  
5 say in Missouri we protect our people's property this  
6 way.

7 And I just wanted to make that mention today  
8 in case somebody had a problem with it, but I'm going  
9 to make that suggestion. And I'll send you a couple  
10 of cases that you can put in a footnote instead of  
11 citing the National Research Council.

12 DR. WADE: Is there any quarrel with that  
13 from the Committee?

14 (No response.)

15 DR. WADE: We will -- after we get that,  
16 we'll make the changes and get it built in.

17 Thank you.

18 Okay. Steve.

19 MR. MAHFOOD: Well, David, going back and  
20 looking at -- and I need you guys' help. I went  
21 through the vote process, and it looks like we voted  
22 on this just like any other recommendations, is the  
23 way it appears.

24 MR. DAY: I'm reading the minutes here --

25 MR. MAHFOOD: Are you? See, I didn't even

1 get that far.

2 MR. DAY: -- and I'm sorry to say that I  
3 didn't say let's put it to the front, or at least it's  
4 not recorded.

5 MR. MAHFOOD: So we can move on, David, I  
6 would say let's make that suggestion in that comment  
7 period and then we can deal with it --

8 MR. DAY: I don't like it, but I can live  
9 with it.

10 MR. MAHFOOD: -- at the next meeting.

11 MR. DAY: And it's my own fault. I didn't  
12 make that clear, it doesn't look like.

13 MR. MAHFOOD: Let me go back to the  
14 discussion of the process.

15 This report will be made available, and this  
16 is the -- this is the proposal, and I would just --  
17 just to get this moving, as we discussed at the  
18 first -- the first meeting of this year after the last  
19 Executive Order, we wanted to conclude this by July.

20 If we use the month of June as the public  
21 review period and have a public hearing somewhere  
22 mid-June, you know, somewhere the week of the 12th  
23 maybe, that gives people time on both the front and  
24 the back end to come in, hear the comments, and that  
25 gives us time to -- to get those comments ready and

1 then come back and meet in July, and I think we had --  
2 July 31st was our --

3 MS. LLONA WEISS: Monday, July 31st.

4 MR. MAHFOOD: Monday, July 31st is what we  
5 had scheduled on backup a few months ago, and it would  
6 be at that meeting that we would consider the comments  
7 and any of our own comments as Committee members, and  
8 bless the Final Report.

9 And I think Jerry brings up a good point.  
10 It's at -- I think it's perfectly -- it is absolutely  
11 correct that at that meeting if we've got issues we  
12 want to bring up and we want to change something, this  
13 Committee has a right to propose that back to the  
14 Committee to make those changes, and that would be the  
15 time, I am proposing, that we would make those  
16 changes, would be at that July meeting.

17 All of that said, I'm open to any  
18 discussion, comments, please.

19 MR. DAY: When we do the public comment,  
20 could consideration at least be given to moving it  
21 maybe in the more affected area of the state where the  
22 chip mills are more prevalent than Jeff City, down  
23 in -- I'm not saying it has to be done, because I know  
24 you've got to deal with finding a location and doing  
25 all of those things. I'm saying, could it at least be

1 considered?

2 MR. MAHFOOD: What's the Committee think?

3 MR. LAW: I think we've discussed some of

4 this before on alternate sites, and this seems to be a

5 good one at the state capital. It's pretty accessible

6 from St. Louis and Kansas City, as well the Ozarks. I

7 don't see any reason to -- the facility is good. The

8 people are nice.

9 MR. BEDAN: You want to volunteer your barn?

10 MR. DAY: I will volunteer my front yard and

11 we will have a barbecue.

12 MR. LAW: I change my mind then.

13 MR. DAY: We do things right. Have a kegger

14 and some ribs.

15 MR. LAW: Oh, no.

16 MR. MAHFOOD: Well, we don't know because we

17 have not pinned down the time for the hearing, and I

18 wanted to get your okay with around mid-month in June.

19 We'll have to look for facilities and see what we do

20 have.

21 MR. DAY: It was just a thought. Like I

22 said, the word "consideration."

23 MR. GARNETT: I agree, but we haven't done

24 it yet, so it would be good to do it. We've been here

25 the entire time.

1                   MR. CONLEY: Are you talking about a series  
2 of meetings, or the one meeting would be somewhere  
3 else?

4                   SENATOR CHILDERS: I would think that that  
5 might make sense because most of the impact that is  
6 directed in this report is at that part of the state,  
7 and I suspect there is a considerable number of people  
8 that will be impacted by this that might not always be  
9 up here and be able to attend this.

10                  So I think any time we can make it more  
11 accessible to the -- to the parties that are impacted,  
12 I think it makes sense just to hear what they have to  
13 say.

14                  MR. DAY: I guess what I'm basing it on is,  
15 whenever I was on the Hazardous Waste Commission, if  
16 we were holding public hearings on an issue that  
17 affected a certain industry or certain business, when  
18 possible we moved it to that part of the state just to  
19 make life a little easier on them, and that's what I'm  
20 basing it on.

21                  MR. MAHFOOD: We'll look. We'll absolutely  
22 look at that. What comes to mind, frankly, is Rolla,  
23 given facilities and given logistics and the like.  
24 But we need to check, because I always have -- believe  
25 it or not, we always have a fairly difficult time

1 getting large meetings in Rolla because there is  
2 not -- or anyplace as you move south, because there is  
3 not a lot of facilities on a short notice that you  
4 can -- that you can grab.

5 MR. DAY: We were able to get something in  
6 Farmington earlier and down in that area. It's,  
7 again, just a thought, because I know you've got to  
8 work around facilities and logistics and time tables  
9 and all of that.

10 MR. MAHFOOD: We'll talk. Jerry and I can  
11 talk about what we can do.

12 Is that process, though, that month of June,  
13 mid-month public hearing, come back July 31st and  
14 approve the report, is that in principle or in fact  
15 how we can operate?

16 (No response.)

17 MR. MAHFOOD: And I'm not seeing anybody  
18 saying that's not good or not the right way to go.

19 So, Llona, I'm not trying to drag you into  
20 this, but we don't really have -- we never did really  
21 set an exact date for a public hearing or propose it  
22 to the Committee before?

23 MS. LLONA WEISS: No, huh-uh. The only  
24 tentative schedule we had on that revised schedule was  
25 to have the public comment period, like, May 29th

1 through June 29th. But if we can just have it the  
2 actual month of June or -- June 1st to the 29th, or  
3 something, that would be okay. But we can do a public  
4 hearing at any time, any place as long as logistics  
5 will work out.

6 MR. MAHFOOD: I would say that I'm going to  
7 focus on the week of the 12th and week of the 19th as  
8 the nexus for facilities and timing and the like.

9 You've got a scrunched up look on your face,  
10 Jerry.

11 DR. WADE: You're talking about the actual  
12 time the public hearing is held?

13 MR. MAHFOOD: Yeah. Thirty days.

14 DR. WADE: There has to be a 30-day --

15 MR. MAHFOOD: Right. It doesn't have to be  
16 at the beginning or at the end. It can be in the  
17 middle. It can be -- the public hearing doesn't have  
18 to be at the end or beginning.

19 DR. WADE: So it doesn't have to be 30 days  
20 before the public hearing. Never mind, then.

21 MR. MAHFOOD: No, no. We're in the middle  
22 of a 30-day period --

23 DR. WADE: Gotcha.

24 MR. MAHFOOD: -- which I want to give as  
25 much -- generally, what you try to do is give as much



1 time as you can, though, for people preparing for the  
2 hearing so you don't have it the first day --  
3 DR. WADE: Okay.  
4 MR. MAHFOOD: -- in that time period.  
5 Jay.  
6 MR. LAW: When -- I guess the question is to  
7 Bernie and Jerry. When do you think that the draft  
8 will be ready to go out?  
9 DR. WADE: It's not a lot.  
10 MR. LAW: I have -- May is when we were  
11 going to try to get it out.  
12 DR. BERNIE LEWIS: It was the end of May, we  
13 were planning, yeah, to send it out. Yeah.  
14 MR. LAW: Is that still doable?  
15 DR. BERNIE LEWIS: Oh, yes. I think that's  
16 okay.  
17 MR. DAY: These were pretty minor changes.  
18 DR. WADE: Yeah.  
19 MR. MAHFOOD: It's pretty close to ready,  
20 say, for those few changes today. Right?  
21 DR. WADE: Yes.  
22 MR. MAHFOOD: I mean, I'm not expecting  
23 today --  
24 MR. BEDAN: Well, I just want to say I like  
25 Llona's suggestion that we say that the comment --

1 public comment period is the month of June. That  
2 makes it easy to communicate instead of having dates.

3 MR. MAHFOOD: Yeah. That's what -- yep.

4 MR. DAY: Are you going to try to get this  
5 on your web site, or is that too much?

6 MS. LLONA WEISS: We can try. I've had to  
7 beg and barrow and plead with a lot of employees, but  
8 I owe all of them a lot of chips.

9 MR. DAY: Promise Steve to do whatever you  
10 need to do. It's not a problem.

11 MR. MAHFOOD: We'll get it done. We'll get  
12 it done. We'll get it done.

13 MR. DAY: You can even drag Jerry into it.  
14 It's no big deal.

15 MR. MAHFOOD: The other part of this is what  
16 we have talked about before, just so we kind of go  
17 down this list. Again, we'll deal with these public  
18 comments at our next meeting. We'll -- hopefully,  
19 that will give us time, given it is a July 31st  
20 meeting, to turn around the public comments, and, you  
21 know, whatever we can do, depending on the comments,  
22 do comparisons or side-by-sides, our staffs can kind  
23 of work up anything that we see that comes in.

24 Don't forget, we've had two public hearings  
25 already, and the intent is, the public hearing

1 information in and of itself will be part of an  
2 addendum to the report that is published just like it  
3 came in, and that's another part of the -- of the  
4 report, not included in the body of this report, but  
5 as an addendum that we can -- that we can publish. So  
6 we'll be doing that.

7           And the reason I haven't emphasized the  
8 public comments, given all of the things that -- all  
9 of the streets we've been down in the last year and a  
10 half, is this is another opportunity the public will  
11 have in this month of June to resubmit comments, new  
12 comments. They finally have the report that's got our  
13 voted-on recommendations, so to me these are the  
14 public comments that will be the ones that -- that  
15 carry the most -- carry the most weight.

16           So I don't want anybody here to think we've  
17 been trying to ignore any public comments previously.  
18 It's just the way this thing, as you know, has rolled  
19 out, it's -- we are where we are, and there is another  
20 opportunity for the public.

21           Jay.

22           MR. LAW: I think, for the record, though,  
23 we ought to say, and I made a point of it in the  
24 six -- actually seven, but, I mean, the six things  
25 that I submitted that we voted on were based on those

1 public comments, which had at least 28 percent more.  
2 So we brought up, I feel, the majority -- we brought  
3 those up. We discussed them. Not all of them made  
4 it. Some of them did.

5 MR. MAHFOOD: And I think that would be an  
6 important part of that addendum document when we get  
7 the public comments that that was used for  
8 consideration by the individual Committee members in  
9 their deliberations in voting on the -- on the various  
10 recommendations in the report. But I'd like to see  
11 that when we get the -- I mean, that will be the last  
12 thing, when we put the addendum together -- that  
13 that's very clear. Good point, Jay. Very good point.

14 I think in trying to move this along, we  
15 have lunch. I think we need to -- can we go ahead and  
16 finish? We have a couple of people that would like to  
17 do the public comments, and then we can adjourn and go  
18 to lunch and have the Clean Water Commission members  
19 join us, and then that way everybody can get out of  
20 here on their own time schedule.

21 So if that's all right with you, I'll just  
22 have -- we've got two people that have signed up for  
23 public comments, and we'll go ahead and proceed.

24 REPRESENTATIVE McBRIDE: Steven, right where  
25 you're at with the public comments, I've not taken --

1 and tried purposefully not to take a lot of time with  
2 this Committee I'm setting on. And over the 26 years  
3 that I've served in the General Assembly a lot of my  
4 job has been probably to bring a group of  
5 Representatives to some sort of an agreement. And I  
6 probably purposefully stayed away from last week's  
7 meeting, but I did let each of you know that I read  
8 all of your comments and all of the drafts that you  
9 put together.

10 And probably jumping back before that time,  
11 I think the first meeting that we had here is one of  
12 the things that I said that I would really like to  
13 see, instead of seeing something like a resolution  
14 that just had a lot of flowery little words in it,  
15 that you got some ideas that were specific that would  
16 really do something. And I think as a Committee you  
17 have done that.

18 And in reading and watching, what you put  
19 together during your last meeting, I felt like that it  
20 was something that I could take as a Legislator and  
21 would be able to pass, if you will. I could -- I  
22 could get a consensus there that I would be able to,  
23 you know, bring all of the different factions, whether  
24 it be the industry or whether it be the  
25 environmentalists.

1                   And I know some of the areas probably are  
2   not as strong as what some groups would like to see,  
3   but I think what you've done is put together a package  
4   that is doable. And so I just wanted to make that  
5   statement and commend you as a Committee, because I  
6   think you put a piece of work here together that you  
7   can really see some results out of.

8                   Thank you, Mr. Chairman.

9                   MR. MAHFOOD: Thank you. Thank you very  
10 much.

11                  MS. SARAH TYREE: Steve, I just wanted to  
12 give Director Saunders regards. He had a Missouri  
13 Agricultural Small Business Development Authority  
14 Board meeting today, and they had a couple of people  
15 that are going off the Board, so they had a large  
16 forum. I called him to tell him that we were going to  
17 adjourn early so not to come, but I just wanted  
18 you-all to know why he wasn't here, and he sends his  
19 regards.

20                  MR. MAHFOOD: And I would also add that  
21 Director Driskill is not here because of our timing  
22 there is -- the Economic -- Governor's Economic  
23 Development Conference is today, and I would suspect  
24 that he wouldn't be able to make it.

25                  MR. DAY: We expected him to be here.

1 Right?

2 MR. MAHFOOD: Yeah. I would have been  
3 sorely disappointed if . . .

4 I'm going go ahead and, Jerry, just sailed  
5 me over another card, so we've got three people that  
6 would like to speak to us, and the first one is Ed  
7 Hornick. Can you come on up here, Mr. Hornick?

8 MR. ED HORNICK: I have -- let me give you  
9 just a moment of my background so you have some  
10 understanding of how I think at a meeting like this.

11 I retired from the Bell System in 1977, and  
12 for more years than I care to think about, I was on  
13 one of the 19 management science teams that the Bell  
14 System had to handle management problems. We were  
15 charged with the duty of taking on corporate problems  
16 and providing alternative solutions for management  
17 decision-making. And that is somewhat related to what  
18 you folks have been attempting to do.

19 I have a farm that borders on the Dent/  
20 Shannon County line consisting of 520 acres. The farm  
21 is a mile and a half long and a half a mile wide, and  
22 on the west side, the entire west side of the farm, is  
23 1300 acres which has been recently clear-cut. The  
24 last cutting took place late in January. The logger  
25 purchased the property in 1997 and immediately went to

1 work clear-cutting.

2 As far as rainfall goes, 1997 was a little  
3 below normal. I don't care how much rain you got on  
4 your parcels of land, but, by George, there is such a  
5 difference from area to area, and I want to stress  
6 that. Even a mile away, my nearest neighbor and I  
7 never agreed on what the rainfall was.

8 And so 1997 was approximately a normal year.  
9 1998 was probably no better than 50 percent. That's  
10 an estimate. And 1999 was sort of -- was woefully  
11 inadequate as it is right now.

12 Now, the name of the creek is Little Creek.  
13 It runs right down the middle of the farm. We have  
14 live water in every pasture, including the corral.  
15 Never have chopped ice. The farm was purchased by me  
16 in 1972. I lived there except for the last nine  
17 years, so I think I'm fairly familiar with the weather  
18 habits, the creek habits, and the environmental habits  
19 that existed for those years.

20 Little Creek, like a lot of other names of  
21 topographic features, I think was applied by people  
22 who lived in the vicinity many years ago, and, indeed,  
23 it was a little creek. Now, I think the name should  
24 be changed to Big Creek because of the clear-cutting.

25 Going back to my line of work, I see as the



1 problem definition is basically clear-cutting. Chip  
2 mills just tend to benefit by that, perhaps, a little  
3 bit. Whether you're cutting saw logs or box timber,  
4 or whatever you're doing, pallets, you're still  
5 benefited as a logger, as I understand it, if you can  
6 get in there and clear-cut.

7 Now, this 1300 acres which adjoins me, there  
8 were, at least most of the time -- you have to assume  
9 what I'm telling you is accurate -- there were about  
10 ten logging crews in there continuously from 1997  
11 until the job was completed. There was at least one  
12 feller buncher in here the majority of the time. And  
13 so the clear-cutting was achieved in rapid short  
14 order.

15 Now, in my experience on this piece of  
16 property, the vegetation and the timber, the trees,  
17 consumed and stored -- keyword "stored" -- a lot of  
18 the precip that came down. It would delay it over a  
19 period of time.

20 Now, from a geological viewpoint, we had one  
21 of the wonders of nature in that area. We've got a  
22 lot of fine springs down there, Round Spring, Big  
23 Spring, Mammoth Spring, to mention some of the  
24 biggies, and this whole creek, you could look along  
25 the edge of the creek and see the little tiny springs,

1 the little rivulets of water coming into the creek.

2           Since the clear-cutting, that diminished,  
3 even back in '97 when I pointed out to you there was a  
4 fair amount of rain. And so one of the things you  
5 folks have considered is the impact on the environment  
6 in that vicinity.

7           Today, Little Creek, despite the lack of  
8 rain, is still running. All of the hollows have water  
9 in it. We have bins -- that's a term I picked up  
10 recently from some of your workers -- and there aren't  
11 as many bins, they aren't as deep, and the water  
12 volume is down.

13           Now, why do you suppose that happens? Well,  
14 here's what I offer: Because we have, in effect,  
15 opened up the faucet up on top of the ridge, the water  
16 in three days is long gone, say, if you had an inch of  
17 rain. That is since the clear-cutting. And so all of  
18 the water is exited from the area in which it used to  
19 be stored. And I attribute to that diminished flow  
20 along the creek edges to the fact that it was  
21 clear-cut.

22           I'm open for any suggestions as to why else  
23 it's there. I know we don't have the rainfall, but I  
24 think to some -- I can't offer you a number, but I  
25 think to some extent it's the fact that the water is

1 no longer percolating into this gravelly soil that's  
2 up there on the -- on the -- in the hollows and on the  
3 ridges.

4 Also, the -- the land is sharply divided.  
5 The slopes are very steep, and you don't have to be a  
6 rocket scientist to know that water runs downhill.  
7 And you make the volume available, so, therefore, you  
8 create more energy, and consequently Little Creek is  
9 now widening.

10 The hollow furthest to the north is called  
11 Hickory Hollow, and from Hickory Hollow on down to the  
12 bottom of the property, Little Creek is going like  
13 this (indicated). It was always leaning on the west  
14 hill. Now, it's started to move towards the east  
15 hill. And we're -- the maximum width when I bought  
16 the property of Little Creek, indeed, almost up until  
17 the time of the clear-cut was about 30 feet wide.  
18 Now, it's probably 300 feet wide at the end of the  
19 farm. I should have put a tape measurer on it, but I  
20 didn't. I think that's quite significant. And so  
21 what happens when you get all of this volume at a high  
22 velocity, it severely erodes the shoreline.

23 Now, on some of these hollows where -- when  
24 I bought the place, and in recent years up to the  
25 clear-cutting, were only about two feet deep. I'm

1 about five-foot-nine. I can't -- just going with my  
2 eyeball level, I can't see out of the ditches anymore.  
3 Now, that material had to go someplace. I submit that  
4 most of it's in Little Creek. It's all full of  
5 gravel, just like the delta of a river. You know, you  
6 had one channel try to make it here and another  
7 channel over there. It's all cut up.

8 Part of the pasture is down there. That  
9 farm for the last thousand years has been used as a  
10 cattle farm. And so some of the fencing along the  
11 creek is gone. We fenced off part of the creek to  
12 keep the cattle out of the water. They can access the  
13 water, but they just don't at random go in anyplace  
14 they want. A lot of that fence is in the creek. It's  
15 gone. And, again, I submit that that was because of  
16 the clear-cutting.

17 And to me, whether it's a chip mill that's  
18 out there consuming the wood that was cut or a regular  
19 saw mill making board feet of lumber, I don't see  
20 whether that is necessarily, as far as the destruction  
21 of the -- of the terrain, is too significant. What  
22 the lumber is used for is immaterial.

23 Now, the logger that did that has publicly  
24 stated that since he owns the land, he has a right to  
25 do anything he wants to with it. Well, okay. Get my

1     crib notes here before I forget.

2                   The BMPs -- I can't seem to remember that  
3     acronym. He comes -- in the interrogatories he stated  
4     that he's complied with all of the rules of the BMPs.  
5     Well, when it comes to controlling the runoff, I can't  
6     see where he's done a single thing. For -- or, for  
7     example, where he's made his skidder roads, man, they  
8     are pretty straight, you know. They are already  
9     eroded. You can see the troughs that were generated  
10    by the water volume and velocity coming down there.

11                  And so the point I want to make -- two  
12    points, is, number one, it was not that way back prior  
13    to '97. I'm open to suggestion as to what caused all  
14    of this if it wasn't clear-cutting. Anybody got a  
15    comment on that?

16                  MR. GARNETT: Have you tested the water  
17    since this has happened?

18                  MR. ED HORNICK: Tested it for what?

19                  MR. GARNETT: Whether it is in compliance  
20    with the Clean Water Act.

21                  MR. ED HORNICK: Well, this is one of the  
22    things we're charging for, and I -- I don't know you  
23    fellows' background, but one man over here said he was  
24    an attorney, and I'd like to address this -- tomorrow  
25    we're going to a hearing to dismiss, and the opposing

1 attorney basically says -- I'm not using legal  
2 lingo -- but he says we don't have a leg to stand on.  
3 And we partly sued under the Clean Water Act, and he  
4 says an individual cannot do that. Is that true?

5 MR. BRYAN: You can file a federal citizen  
6 suit under the Federal Clean Water Law, but the  
7 Missouri Clean Water Law, it's generally regarded that  
8 it doesn't provide for private action.

9 MR. ED HORNICK: Well, I think this is sued  
10 under the federal law.

11 MR. BRYAN: If you are in federal court, you  
12 can do that. If you're in the state court, you can't  
13 do that.

14 MR. ED HORNICK: But not in circuit court?

15 MR. BRYAN: You have to file a nuisance  
16 action.

17 MR. ED HORNICK: File a nuisance action?

18 MR. BRYAN: Sir, I would be happy to talk to  
19 you after the meeting.

20 MR. ED HORNICK: Okay. But these are just  
21 some of the things, unfortunately -- there's Mr. Baker  
22 here. As far as I know, we're the only two landowners  
23 that have made an appearance. That kind of bothers  
24 me. I don't think the word got out. I would think  
25 there would be more than two of us interested in this

1 issue. I don't know. That's a poor showing in my  
2 humble opinion.

3 And the reason I didn't attend the earlier  
4 meetings, I read the newspapers, and I may have missed  
5 it, but I didn't find any announcement. Now, we got a  
6 little, tiny local paper where I live now in  
7 Mansfield. I moved off the farm. But I don't recall  
8 seeing it.

9 I saw it in the Springfield paper, The News  
10 Leader, but it was relegated -- it was buried so far  
11 in the paper, it would take you a half-hour to get  
12 back out from where it was filed in the paper. And it  
13 was just a little, tiny squib.

14 MR. DAY: Sir, just so you know, there has  
15 been more than two landowners that have come and seen  
16 us.

17 MR. ED HORNICK: Oh.

18 MR. DAY: There has been a number.

19 MR. ED HORNICK: But there was earlier?

20 MR. DAY: Through the whole process, yes,  
21 sir.

22 MR. ED HORNICK: When was it?

23 MR. DAY: During the past 16 or 18 months.

24 MR. ED HORNICK: Well, like, Firebaugh was  
25 here at the last meeting.

1                   MR. DAY:  She's on the Committee.

2                   MR. ED HORNICK:  But she's on the Committee.

3   That's not fair.  Well, I mean, she isn't somebody

4   like me that's a drop-in.

5                   MR. DAY:  I'm just -- I'm saying, there has

6   been a lot of, as you put it, drop-ins.  There has

7   been a number of people at every meeting, almost.

8                   MR. ED HORNICK:  There are at this meeting,

9   too?

10                  MR. DAY:  I don't know about this meeting.

11                  MR. ED HORNICK:  I looked at the register,

12   and there is only two of us, as far as I know, that

13   admitted we were landowners.

14                  WOMAN:  There were some.  There have been

15   some, but not a lot, though.

16                  MR. ED HORNICK:  Well, anyway, I'm just

17   disappointed there weren't any more.

18                  Do you have any questions?

19                  MR. MAHFOOD:  Any more questions?

20                  MR. ED HORNICK:  All right.  Thank you for

21   this opportunity.  And if you -- anybody is welcome,

22   if they want to see what I'm talking about.  I'll give

23   them the best tour you ever had of a -- of a

24   clear-cut.

25                  Thank you.



1                   MR. MAHFOOD: Thank you.

2                   Mr. Baker. George Baker.

3                   MR. GEORGE BAKER: I was going to say good  
4 morning, but it's now afternoon. So good afternoon.  
5 I'm going to surprise you and not keep you long.

6                   I primarily -- and I realize the public  
7 hearings are coming. I'm going to save my comments  
8 rather than elongate today because that would best be  
9 taken care of there.

10                  But the suggestion has been made, and I want  
11 to further that, on trying to hold at least one of  
12 these next sets of hearings down in that timber  
13 country. Now, I've talked to people that I know and  
14 that I've come in contact with. They are just not  
15 going to make a trip to Jefferson City. Whether they  
16 should or not is immaterial. They are not going to do  
17 it.

18                  And I realize as I'm seeing this develop --  
19 and I want to compliment you-all for the time that  
20 you've taken to wade through a myriad of details and  
21 seeing this come together.

22                  When I first started paying attention to it,  
23 I thought we had a problem with chip mills. We don't  
24 have a problem with chip mills. We have a problem  
25 with landowners that are going to sell everything off

1 the land to them. I don't know really -- it would  
2 seem sensible that somewhere you could just make a  
3 simple thing with the chip mills saying, don't buy  
4 anything with a butt cut less than X number of inches  
5 and stick with it, son, I think you'll wipe a lot of  
6 this out, because you're squib mills have been  
7 operating for years with a six-inch minimum limit, and  
8 I haven't seen a problem of overcutting with that.  
9 But is that too simple? I know we've done a lot of  
10 talking about a lot of other things that apparently  
11 won't work.

12 But I really wanted to bring down -- the  
13 only thing I'm disappointed in so far -- and I think  
14 you-all will work on this eventually -- is this  
15 40-acre limit on the down side. I don't think there  
16 ought to be any limit on the down side. I think five  
17 acres, ten acres, somewhere in there, there -- unless  
18 it's for agricultural use, they're defacing the  
19 timberland.

20 And I'd like to see everybody included, and,  
21 specifically, Jerry, because I know you-all don't cut  
22 anything over about 34 acres, I would like to see the  
23 Conservation Commission stop clear-cutting, because  
24 they are going to be brought into enforcement on this,  
25 and you're going to have people looking back and

1 saying, If you-all are still doing it, how can you  
2 advise us not to? And I don't mean that maliciously,  
3 but it's just a thing that you've got to look at in  
4 the eyes of the public when it comes out.

5 And I don't expect any comment on it. I  
6 just wanted to throw that in today while this other is  
7 coming down the line. And I'm going to sit down.  
8 It's lunch time. And I thank you for your time.

9 Sir?

10 MR. GARNETT: One question. You would be in  
11 favor, then, if someone wanted to clear 40 or 50  
12 acres, that would be okay, but if they wanted to  
13 clear-cut it and let it grow back, that wouldn't be  
14 the thing to do? Is that --

15 MR. GEORGE BAKER: Well, you look at --  
16 yeah. What I'm coming down to on it, what I've seen  
17 in clear-cutting -- I also have adjoining me that I  
18 referred to earlier, land that's owned by a timber  
19 company, Riggor (ph. sp.) Saw Mill & Company, which  
20 about seven to eight years ago they were almost  
21 accused of clear-cutting by the people in general the  
22 way they approached it. They took everything down to  
23 about seven inches. You look at it at first brush,  
24 it's pretty harsh, but you look at what they have left  
25 and how it's going to come back.

1           You can't condemn them for it because they  
2   are trying to get a return off their land. The point  
3   is, it's going to take 45 to 50 years for that to grow  
4   back to a commercial reharvest. But when you do the  
5   clear-cut, you've got it down that there isn't even a  
6   decent brush on what I've seen. Now, there is where  
7   the erosion comes in, and that's what bothers me,  
8   because I -- and the reason I was looking at this this  
9   way is I am in an erodible area in this little valley  
10   or hollow down in there. I haven't had any increases  
11   from them.

12           I've cut my own timber down to 14 inches  
13   chest high. We'll go back in in about three to four  
14   years and make another cutting on some of that. We're  
15   not getting any erosion out of that. I'm watching  
16   closely another one that -- another agency clear-cut  
17   that they took it all out. And I'm waiting until we  
18   get the first hard rain to see what happens on it. I  
19   may have problems with it.

20           But there is a difference when you go back  
21   down to the old buck brush and oak brush that we have  
22   down there.

23           Going back, we didn't have an erosion  
24   problem in Reynolds County until 1900 to 1910. Then  
25   it started after the big timber companies came in.

1 That's when the virgin pine went out to make the beams  
2 for the buildings in the City of St. Louis and Kansas  
3 City. That left a lot of vacant ground. We're still  
4 eating that gravel down there 100 years later. It's  
5 seven to ten feet deep in those streams.

6 If we go back and we go through this  
7 clear-cut revolution again 100 years later, it's going  
8 to fill them up. We're going to have the erosion.

9 And I'm sure that this exists all over that  
10 area, and that's what I'm really looking at, is what's  
11 going to be the long term effect on it.

12 MR. GARNETT: But you're in favor of  
13 allowing people to be able to clear land but not in  
14 favor of clear-cutting?

15 MR. GEORGE BAKER: Yes. If we allow them to  
16 clear the land, this means that DNR, Department of  
17 Conservation, someone is coming and giving them advice  
18 on what they can clear and how to buffer it to keep  
19 the runoff from getting into it too deep.

20 MR. GARNETT: I don't think that's  
21 happening, but it would be a good idea, maybe. It's  
22 not happening.

23 MR. GEORGE BAKER: I say that eventually  
24 that's what I would like to see happen is kind of  
25 restriction. I don't know how you can put it in

1 because you're going to be getting into this fierce  
2 land ownership. And I'm the same way. I don't want  
3 you guys coming on my land and telling me what I can  
4 do and what I can't, unless I invite you.

5           You've got hundreds of thousands of  
6 people down there -- well, I think, what, you have  
7 eighty-some-hundred landowners of a certain area, in  
8 the 70-acre-plus range, and then you get on up into  
9 the big boys. Well, it's these guys in this medium  
10 range that feel that way. These are the ones that are  
11 staying down there and don't come to your meetings.  
12 They are going to wait until you come to them to tell  
13 them they're doing something wrong, and then I'm  
14 not -- you know, they are going to put their say in  
15 then. It's a little bit too late.

16           But those of you know the people in those  
17 counties, you know you have this fierce pride in  
18 ownership and they get rebellious, but they don't  
19 rebel too early.

20           MR. DAY: But they rebel strong.

21           MR. GEORGE BAKER: By the same token, I  
22 don't see any of those smaller landowners selling  
23 their land for clear-cutting. We keep talking about a  
24 thousand acres here, 1200 here. The smallest one I've  
25 seen is about 350. And I don't blame the chip mills,

1 because under -- the contractor is going to bring in  
2 everything he can get off of you if you're going to  
3 sell it to him. So it's the landowner and whoever  
4 made the contract on the land to cut it where your  
5 controls have got to go.

6 But how are you going to do it? You're  
7 going to have to have legislation, and we're looking  
8 at seven to ten years for you to be able to do  
9 anything that will be palatable to the public. In the  
10 next seven to ten years, we can clear off 80 percent  
11 of southern Missouri and have it gone.

12 And, again, I'm taking a lot of your time.  
13 Does anyone else have any other questions?

14 MR. MAHFOOD: Any other questions?

15 MR. GEORGE BAKER: I'll let you go to lunch.  
16 Thank you-all very much.

17 MR. MAHFOOD: Thank you, Mr. Baker. I  
18 appreciate it.

19 The last person to speak to us is Dan  
20 McKeel.

21 DR. DANIEL W. McKEEL, JR.: Good afternoon.  
22 I'm Dan McKeel from St. Louis. I'm a concerned  
23 citizen, along with my wife Louise, who is also here.

24 We continue to be alarmed by the possible  
25 detrimental effects of the chip mills on the

1 environment and related activities -- recreational  
2 activities and especially tourism in the southern  
3 Ozarks, and I do really feel that the tourism  
4 interests have not been well represented here.

5           At this point we are very grateful to all of  
6 the Committee members for their hard work. Coming to  
7 these meetings for us has been a real lesson in  
8 practical politics, and I have no doubt at all that  
9 all of the members are very sincere in their desire to  
10 sustain a life that we all can cherish here in  
11 Missouri.

12           The April 9th and 10th recommendations are  
13 big improvements on the Original Draft Report, but in  
14 my opinion they still lack focus regarding the core  
15 question put by Governor Carnahan. As the members  
16 have repeatedly acknowledged, there is a serious lack  
17 of pertinent data as to the exact impact of high  
18 capacity chip mills.

19           A clear definition of what a high capacity  
20 chip mill is remains surprisingly elusive, even with  
21 today's operational definition of 150K tons per year.  
22 It bothers me that this was not decided definitely  
23 many months ago. I read the entire April 9th and 10th  
24 transcript eager to find leadership recommendations  
25 that would diminish my concerns. In fact, I'm even



1 more concerned now than I was at the beginning of this  
2 18-month-long process.

3 At a minimum, I wanted to hear a clear,  
4 concise answer to the Committee's view on the impact  
5 of the high capacity chip mills in Missouri. That's  
6 the full question. And I still do not hear a clear  
7 answer.

8 One member put it this way at the April  
9 meetings. This is near a quote. "I don't believe  
10 anyone has proved we have a problem here." One of the  
11 co-chairmen observed -- again, a near quote -- "This  
12 is not normal or we wouldn't be sitting here." I  
13 agree with that.

14 Senator Goode's statements on Page 93 of the  
15 transcript refutes the idea there is no problem. He  
16 says in part -- and this is a direct quote -- "In  
17 reality they chip everything and they promote  
18 clear-cutting where they take everything, including  
19 young trees, you know, that couldn't grow, and just  
20 take everything and chip it up," end of Senator  
21 Goode's quote.

22 What puzzles me is the mild, and I would  
23 even venture to say, toothless recommendations that  
24 appear to be forthcoming over 18 months of hard work.  
25 There is no brake placed on the chip mill juggernaut.

1 Obviously, some members do not regard the problem to  
2 be as serious as the Senator and I see things.

3 I believe Governor Carnahan and the  
4 concerned citizens who urged the formation of this  
5 Committee were convinced there is a major problem  
6 represented by the chip mills. By its votes not to  
7 pass a moratorium on new chip mills or to make a  
8 logger licensing or certification mandatory, the  
9 Committee sends a clear message to me that it, as a  
10 group, does not sense any urgent problem really  
11 exists.

12 As a citizen, I would feel a lot better  
13 about it if I had been presented with any real data on  
14 chip mill operations, the breakdown of the types of  
15 lumber that is used, or the kinds of logging they had  
16 inspired. Instead, I read over and over how data was  
17 lacking. I read nothing at all about how the needed  
18 data had been sought or why those efforts had failed.  
19 No one even tried to make excuses or get the missing  
20 data during these entire 18 months.

21 I sense the members believe data-gathering  
22 is probably primarily someone else's task. I strongly  
23 disagree. The words of the Executive Order seems to  
24 indicate that responsibility lies squarely with the  
25 Committee and, in my view, that mandate has not been

1 met.

2           The other words I was looking for but never  
3 saw or heard was any acknowledgment that there has  
4 been a significant, even alarming, increase of timber  
5 harvesting within the 50- to 100-mile sourcing areas  
6 that coincides with the time frame of the Willamette  
7 and Canal Woods chip mill operations in southern  
8 Missouri. People in those areas are concerned that  
9 the amount and size of clear-cutting is unusually  
10 heavy in the sourcing areas.

11           A drive by us down Highway 34 leading to the  
12 Willamette site shows an unusual amount of what I  
13 would call scraggly regeneration growth. The  
14 relatively recent clear-cuts appear to increase  
15 towards the epicenter at Mill Spring. That's not  
16 scientific for sure, but it seems pretty obvious to  
17 me.

18           At the March 6 MDC draft meeting, I urged  
19 the Committee to make immediate use of satellite  
20 remote sensing data. I indicated that such data is  
21 already available through MORAP and could be analyzed  
22 to provide quantitative trend data on deforestation  
23 over the past few years. No one disputed what I said.  
24 In fact, I was told that such efforts were then  
25 underway.

1           The April 9th and 10th meeting transcript  
2   gave no indication that obtaining this critical data  
3   was anything but a future aspiration to be pursued by  
4   some other group. It is very difficult for me to  
5   understand why this critical resource data was not  
6   gathered and is being used now, not later. I plan to  
7   recommend to the Governor that he commission this data  
8   to be gathered as soon as possible.

9           I do not share the Committee's apparent lack  
10   of a sense of urgency to combat this problem  
11   highlighted by their unwillingness to support a  
12   moratorium. The Committee agreed they were seriously  
13   misled by the chip mill companies about what they  
14   would do, yet I see no enthusiasm for reopening and  
15   reassessing the original permit based on this  
16   misleading information.

17           Finally, I want to challenge two specific  
18   statements made by members, and then I'll stop.

19           Point one, one reason given for not  
20   requiring chip mills to report timber sources was that  
21   they would move to another state and Missouri  
22   landowners and loggers would respond by taking  
23   Missouri timber elsewhere for processing.

24           I have been assured this scenario is sharply  
25   limited by hauling expenses that prohibit taking logs

1 more than 75 miles from the harvest site, and this is  
2 purely an economic thing. So I do not think the  
3 argument is entirely valid.

4 Point two, on Page 91 Mr. Law said, "In  
5 reality, we have very little waste wood out there."  
6 Yet the very name of the third largest Missouri chip  
7 mill at Goodman suggests otherwise. It is the Ozark  
8 Wood Fiber, Incorporated Waste Wood Recycling Plant.  
9 I have attached a photo taken August '99 documenting  
10 this fact, and that's attached to these comments.

11 Either the name of the company does not  
12 represent the true nature of the plant, or we do, in  
13 fact, have such operations and the assertion is  
14 incorrect.

15 Anyway, thank you for letting me address  
16 this important issue. I wish I could be more  
17 positive; however, in all honesty I am not happy with  
18 the work that has been accomplished or with the wide  
19 range and still weak recommendations as they now  
20 stand. I still hope that more compelling chip mill  
21 impact data is forthcoming before this work is  
22 concluded.

23 And I do thank you very much for hearing me  
24 out.

25 MR. GARNETT: I agree with you that we

1     should have defined "high capacity chip mill" a long  
2     time ago. Now, we did in this latest draft.

3                 Is that agreeable to you? Is 150,000 ton  
4     the right number? Is it too high? Is it too low?  
5     What's your thought regarding that? What's your  
6     thoughts there?

7                 DR. DANIEL W. McKEEL, JR.: I'm not an  
8     expert there, but I think -- here is my problem with  
9     the Committee: What I heard the Governor say is, Get  
10    me research data. You know, I sense that there is a  
11    contract between the Governor and this Committee. He  
12    needs data, and you-all are supposed to provide it.

13                As a researcher, I know a lot of ways to get  
14    that information. I'd go to experts, go to Dogwood  
15    Alliance, go to Heartwood, go to -- go to people at  
16    Willamette, ask people what it is. I think you can do  
17    better than that. I think there are probably written  
18    statements and many forest industry studies that  
19    attempt to define that so maybe you can get a range.

20                One of the games that I think has been  
21    playing is that definition off of here is -- has been  
22    put together specifically to -- to not include the  
23    Goodman mill from consideration here, and that bothers  
24    me. And I would still offer that, unless I've missed  
25    something, no one here has good data on what the

1 actual capacity -- current capacity of that mill is.  
2 I've heard all sorts of numbers, 80,000 tons a year to  
3 100,000.

4 MR. DAY: Would you agree, though, sir, that  
5 with the requirement of getting an Air Permit over  
6 300, I mean, that would be a capacity limit --

7 DR. DANIEL W. McKEEL, JR.: No, I don't  
8 think so.

9 MR. DAY: -- within that permit process?

10 DR. DANIEL W. McKEEL, JR.: I think that  
11 argument is entirely wrong for the following reasons:  
12 I read the Governor's Executive Order on the way up  
13 here this morning in the car, and what that order says  
14 is he wants data on the current situation and the  
15 potential situation. And I think the potential is,  
16 sure, they can apply for an Air Quality Permit, they  
17 may get it, but I think the point that was basically  
18 voted down to put into the draft was the actual  
19 physical capacity may be a million tons a year, and  
20 when you don't consider that in the Governor's mandate  
21 to give him information about what's happening now and  
22 later, I think that's a serious mistake, actually.

23 So, no, I wouldn't agree with that. I think  
24 that's a fair statement about what exists at the  
25 moment but not a fair projection of what might

1    happen a year from now, six months from now, next  
2    week, so . . .

3               MR. LAW:  I'm Jay Law.  I'd like to clarify  
4    that waste thing.  I think the problem is that we  
5    considered the "cull timber" in the forest as waste,  
6    and from my perspective no tree is a waste, sir.

7               DR. DANIEL W. McKEEL, JR.:  I understand  
8    that.

9               MR. LAW:  They are biological.  They are  
10   degradable.  If they fall down, that's fine with me.  
11   The fact is that the industry currently, and what is  
12   more important, uses a lot of, quote, what we're  
13   calling "waste wood."  I want that identified.  To me,  
14   as long as it is a living plant, it's not waste.

15              Now, waste wood might be something that  
16   would come from old broken up pieces of home structure  
17   or something like that.  That, to me, is waste wood.  
18   That wasn't what we were -- what was being discussed,  
19   and that was not in the context of my statements.

20              The other thing is, if you have read that  
21   you will see that there were many, many scenarios put  
22   together on capacities and changing capacities and all  
23   of that based on very good data, the best we have, and  
24   so I think we have considered a lot of that.  The last  
25   stream data is '97, and that's fairly current.  So I



1 think we've been looking, trying to bring the Governor  
2 all of the information. And as many scenarios as has  
3 been asked, and we've been asked from people from the  
4 interested parties to make up these scenarios, and  
5 that's what we responded to.

6 DR. DANIEL W. McKEEL, JR.: I guess what I  
7 would respond to you, just to give you a specific for  
8 what was not convincing to me in the analysis of the  
9 impact of the chip mills, the computer projections, a  
10 60-mile radius of operations was assumed. I've heard  
11 many people use a 75-mile radius. I've heard people  
12 use a 100-mile radius. If you went to those higher  
13 numbers, then the area encompassed might quadruple.

14 MR. LAW: Then you're missing their -- if  
15 they can increase their thing, but if they don't  
16 increase how much their output is, it's just spreading  
17 that removal of wood over a large area, the same  
18 amount.

19 DR. DANIEL W. McKEEL, JR.: Well, I'm still  
20 saying --

21 MR. LAW: So that radius doesn't mean they  
22 cut everything within 60 to 100 miles. It just means  
23 where they are getting the wood.

24 DR. DANIEL W. McKEEL, JR.: I absolutely  
25 understand that. I'm just making another assumption

1    which is the capacity is three times 300,000 tons a  
2    year.  It could be a million, and that -- and, again,  
3    the idea was to provide data that -- on what's  
4    currently used.  What's the tons per year produced?  I  
5    don't think we know that.  And what could it be in the  
6    future?  It could go up to a million tons a year.

7                    You don't think so?

8                    MR. LAW:  I think we have responded, sir.  I  
9    think what they will do in the future -- I don't  
10   know -- is up to the manufacturer facilities, but the  
11   capacity -- it seems like one of the things that has  
12   been put up is a ceiling of 300.  They have to go get  
13   a permit for this.

14                   DR. DANIEL W. McKEEL, JR.:  But there are no  
15   barriers to getting that permit.

16                   MR. DAY:  I would disagree, sir.  I would  
17   say with the focus that has been put on the chip mills  
18   and with the demonization that's been given to them, I  
19   think DNR would almost have to be brain-dead to issue  
20   that permit.

21                   MR. MAHFOOD:  Gee, thanks.

22                   MR. DAY:  With all due respect.

23                   SENATOR CHILDERS:  I have one other  
24   question.  You mentioned being in research.  What sort  
25   of research are you in?  What is your field?

1 DR. DANIEL W. McKEEL, JR.: I'm a faculty  
2 member at Wash U Medical School. I run a  
3 neuropathology lab that --

4 SENATOR CHILDERS: I'm sorry. I couldn't  
5 hear you.

6 DR. DANIEL W. McKEEL, JR.: I am a  
7 pathologist, a physician, and I run a neuropathology  
8 laboratory that's federally funded that investigates  
9 Alzheimer's disease and related issues.

10 SENATOR CHILDERS: But do you have an  
11 interest as a landowner or just as a citizen? I was  
12 trying to find out where your interest in this came  
13 about.

14 DR. DANIEL W. McKEEL, JR.: I have an  
15 interest because -- a special interest in the Ozark  
16 Trail which runs down in many of the counties that  
17 we're talking about in southern Missouri, and we like  
18 to hike there. We like to use the land for  
19 recreational activities. And, personally, I think  
20 if -- if there are major increases in clear-cuts, it's  
21 going to ruin that land.

22 I mean, the tourism impact of that sort of  
23 thing wasn't really very well considered here in the  
24 economic possibilities of the impact of chip mills. I  
25 think it should have been. Tourism is a huge -- I

1 think it dwarfs timber as an industry in Missouri. It  
2 should be considered. So that's where --

3 SENATOR CHILDERS: I just wanted to find out  
4 where you were coming from.

5 DR. DANIEL W. McKEEL, JR.: About two years  
6 ago my wife who runs an environmental news agency, we  
7 started to do a video piece on the Pioneer Forest.  
8 That's where all of this started. And then we went  
9 down and interviewed those folks three or four times.  
10 And then it -- then this Committee was formed, and so  
11 we decided to follow this extremely important issue  
12 and become educated. That's where I'm coming from.

13 SENATOR CHILDERS: Thank you.

14 DR. DANIEL W. McKEEL, JR.: Yes, sir.

15 MR. BEDAN: I think your remarks about the  
16 use of satellite imagery are well taken, and I would  
17 like to know what you think about this: I feel in the  
18 real world that we could purchase the images and show  
19 what's happened in the last three or four years since  
20 the chip mills came in by purchasing imaging in, say,  
21 a 100-mile radius --

22 DR. DANIEL W. McKEEL, JR.: Yes, sir.

23 MR. BEDAN: -- of each mill, say, for each  
24 year, for '97, '98, '99.

25 DR. DANIEL W. McKEEL, JR.: And maybe the

1 preceding three years, and then you would have a  
2 baseline and you could show the rate of change.

3 MR. BEDAN: I agree with you. I think  
4 that's something that ought to be an appendix. And  
5 then in future studies, that could be a baseline.

6 DR. DANIEL W. McKEEL, JR.: What I would  
7 say, though, is Dr. Arvidsen who runs the Art  
8 Department of Earth and Planetary Sciences told me  
9 that that data is available to him today.

10 MR. BEDAN: Yes.

11 DR. DANIEL W. McKEEL, JR.: And, you know,  
12 so it costs a couple thousand dollars. I've made this  
13 statement before. That's trivial. I am sure that  
14 this Committee could apply to Governor Carnahan and  
15 get that money to do that and get that data maybe even  
16 before the Draft Report is issued. That's my point.

17 MR. BEDAN: I think that's a good comment.

18 DR. DANIEL W. McKEEL, JR.: All right.  
19 Thank you very much.

20 MR. MAHFOOD: Thank you very much.

21 Do we have any further discussion right now  
22 with the Committee members?

23 (No response.)

24 MR. MAHFOOD: I wanted to ask if any of the  
25 Clean Water Commission members have anything they want

1 to say, anything you want to mention right now? Sorry  
2 I'm putting you on the spot. I just turned around.

3 (No response.)

4 MR. MAHFOOD: Okay. Hearing no further  
5 comments, if there is no further business to come  
6 before the Committee, the meeting is now adjourned.

7 (THE MEETING AND PUBLIC HEARING WAS  
8 CONCLUDED.)

9  
10 o0o

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

I, KRISTAL R. MURPHY, CSR, RPR, CCR, with the firm of Associated Court Reporters, Inc., within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

18  
19  
20  
21  
22  
23  
24  
25

22  
23  
24  
25

